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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

APR 01 2011

John A. Clarke / Executive Officer / Clerk
By [Signature] Deputy
JAMES LAFLEUR-CLAYTON

**SUPERIOR COURT OF CALIFORNIA
FOR LOS ANGELES COUNTY**

SAM LUTFI, an individual,
Plaintiff,

vs.

**LYNNE IRENE SPEARS, an
individual; JAMES PARNELL
SPEARS, an individual; BRITNEY
JEAN SPEARS, an individual; and
DOES 1 through 25, inclusive,**

Defendants.

Case No. BC 406904

**NOTICE OF MOTION TO COMPEL
DEFENDANT/CONSERVATOR
JAMES PARNELL SPEARS TO
PRODUCE DOCUMENTS;
SUPPORTING DECLARATIONS OF
JOSEPH D. SCHLEIMER, ESQ.
AND PLAINTIFF SAM LUTFI**

-and-

**REQUEST FOR SANCTIONS IN THE
AMOUNT OF \$6,935**

**[Separate Statement Filed
Concurrently Herewith]**

**Date: June 15, 2011
Time: 8:30 a.m.
Dept.: 23 (Hon. Zaven V. Sinanian)**

**Trial: January 23, 2012
D.C.O.: December 25, 2011**

**TO DEFENDANT/CONSERVATOR JAMES PARNELL SPEARS AND TO HIS
COUNSEL OF RECORD HEREIN:**

PLEASE TAKE NOTICE that Plaintiff Sam Lutfi shall move, pursuant to
Code of Civil Procedure §2031.310, to overrule objections and compel the
production of documents on June 15, 2011, in Department 23 of the Los
Angeles Superior Court, located at 111 N. Hill Street, Los Angeles, California.

CIT/CAS: EC406904 LEJ/DEF#:
RECEIVED: CCH503051536
DATE FILED: 4/01/11
PAYMENT: \$11.00
RECEIVED: 40.00
1310 PM

1 or as soon thereafter as counsel may be heard. The motion shall be based on
2 this Notice; the attached Memorandum of Points and Authorities; the
3 Separate Statement filed concurrently herewith; the Declarations of Joseph D.
4 Schleimer, Esq. and Sam Lutfi attached hereto; the entire file and record in
5 this action; and such other and further evidence and argument as may be
6 presented at or before the time of hearing.

7 **PLEASE TAKE FURTHER NOTICE** that Plaintiff shall seek sanctions
8 against Defendant/Conservator James Parnell Spears in the amount of
9 \$6,935, pursuant to C.C.P. §2031.310(d).

10 **Dated: March 31, 2011**

**JOSEPH D. SCHLEIMER
ATTORNEY AT LAW**

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14 BY: 
15 **Joseph D. Schleimer, Attorney for**
16 **Plaintiff Sam Lutfi**
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Table of Contents

Summary of Motion to Compel	1
A. Introduction	2
B. Factual Background – Drug Use and Crisis	5
C. Motion to Compel Production of Drug Tests (DFP #2)	10
D. Efforts to Meet and Confer re DFP 2:	11
E. Motion to Compel Production of Baby Monitor Reports (DFP #3)	14
F. Sanctions	15

Table of Authorities

<u>Brown Bag Software v. Symantec Corp.</u> , 960 F.2d 1465 (9th Cir. 1992)	13
<u>NBC Subsidiary (KNBC-TV), Inc. v. Superior Court</u> (1999) 20 Cal.4th 1178	13
Code of Civil Procedure §2031.310	i, 7, 10, 13
Code of Civil Procedure §2031.310(d)	15
Welfare & Institutions Code §5150	2
California Rule of Professional Conduct §3-500	12, 13 n.35

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Summary of Motion to Compel

Plaintiff moves to compel production of drug tests administered to Britney Spears during the period October 1, 2007 through March 1, 2008 because Defendants falsely accused Plaintiff of trying to “drug Britney Spears into a coma,” and this *scientific* evidence is needed to refute that allegation:

- The drug tests are pertinent to the *libel* cause of action because Defendant Lynne Spears’ book published the false and defamatory allegation that Plaintiff admitted he was trying to drug her daughter into a coma.

- The drug tests are pertinent to the *battery* cause of action against James Parnell Spears because he assaulted Plaintiff *twice*, and now asserts affirmative defenses of justification and “defense of a child,” based on the false allegation that Plaintiff was trying to drug his daughter into a coma.

- The drug tests are pertinent to the *breach of contract* cause of action because, as Conservator, James Parnell Spears terminated Plaintiff’s management of Britney Spears based on the false allegation that Plaintiff was trying to drug Britney into a coma.

Plaintiff also moves to compel production of reports filed by child visitation monitors who were stationed in Britney’s home during the relevant time period. The “baby monitors” were percipient observers of Britney’s drug and alcohol use and conditions in her home. Their reports will refute Defendants’ allegation that Plaintiff was supposedly trying to drug Britney into a coma. See, Declaration of “baby monitor” Robin Johnson (Exhibit 14).

The “baby monitor” reports will also refute Defendants’ false accusations that Plaintiff cut Britney’s telephone wires, disabled her automobiles and disabled her cell phones. *Id.*

1 **A. Introduction**

2 Plaintiff Sam Lutfi is suing James Parnell Spears ("James Parnell") for
3 *battery* because said Defendant assaulted Plaintiff on January 28, 2008 and
4 January 29, 2008.¹ In his Answer, James Parnell pleaded the affirmative
5 defenses of "provocation" and "defense of a child" under Civil Code §50, based
6 on the allegation that Plaintiff was trying to drug his daughter, Britney Spears
7 ("Britney"), into a coma.²

8 James Parnell also filed an Answer as Britney's Conservator,
9 responding to Plaintiff's cause of action for breach of the management
10 contract dated October 13, 2007. The Conservators' primary defense is that
11 there was "good cause" to terminate Plaintiff because he was allegedly trying
12 to drug Britney into a coma, cutting her telephone wires, disabling her cell
13 phones and disabling her automobiles.

14 Although it was Britney who hired Sam Lutfi as her manager, Britney
15 never fired Mr. Lutfi. Rather, it was James Parnell, acting as her Conservator,
16 who breached the contract, and the breach took place as follows:

17 On January 31, 2008, after Britney refused to take anti-psychotic
18 medication, her psychiatrist, Deborah Nadel, M.D., ordered a 72-hour Welfare
19 & Institutions Code §5150 hold. Against her will, Britney was transported to
20 the UCLA Medical Center by the LAPD.³ James Parnell immediately sought
21

22 ¹ Declaration of Plaintiff Sam Lutfi, ¶2

23 ² Answer of Defendant James Parnell Spears to First Amended
24 Complaint at 2:1-23 (First, Second, Third Affirmative Defenses)

25 ³ Lutfi Dec., ¶2. Defendant Lynne Spears has repeatedly published the
26 falsehood that Plaintiff Lutfi initiated the §5150 hold. Actually, Mr. Lutfi
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28

1 appointment as Britney's Conservator, and his first act was to terminate
2 Plaintiff as Britney's manager.

3 As Court-appointed, Conservator, Mr. Spears could have terminated
4 Plaintiff as manager with a *telephone call*.

5 However, Defendant knew that his daughter did not want her manager
6 terminated, so he sought a Temporary Restraining Order (TRO), in effect using
7 Court process to serve as Mr. Lutfi's "pink slip."

8 In his *ex parte* application for a TRO, James Parnell alleged that **"Mr.**
9 **Lutfi drugged Britney. He has cut Britney's home phone lines and**
10 **removed her cell phone chargers."**⁴

11 All of these allegations were false, but the application was *ex parte*,
12 without notice and therefore unopposed. The sole "evidence" filed in support
13 was a Declaration of Lynne Spears, which stated:

14 "Sam [Lutfi] told Jackie and me that he grinds up Britney's pills,
15 which were on the counter and included Risperdol and Seroquel.
16 He told us that he puts them in her food and that that was the
17 reason she had been quiet for the last three days (she had been
18 sleeping). He told us that the doctor who is treating her now is
19 trying to get her into a *sleep-induced coma* so that they could then
20 give her drugs to heal her brain."⁵

21 As attested to by Mr. Lutfi in the attached declaration, Lynne Spears'

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23
24 attempted to *dissuade* Dr. Nadel from ordering the hold. *Id.*, n.2

25 ⁴ Exhibit 15 at p.6

26 ⁵ Exhibit 15 at p.11, ¶13 (emphasis added)

1 declaration constituted *naked perjury*.⁶

2 Moreover, four third-party witnesses have stepped forward and filed
3 declarations refuting Lynne Spears' scandalous allegations, including Robin
4 Johnson, the chief "baby monitor" who was stationed in the residence to
5 observe Britney's drug and alcohol use and mothering behavior.⁷

6 James Parnell, as Conservator, refused to pay Mr. Lutfi's management
7 fees, which is the basis for the breach of contract cause of action. The issue of
8 whether the refusal to pay constitutes a breach is clearly going to hinge on the
9 truth or falsity of the allegations made in the TRO application and Lynne
10 Spears' declaration, including the amazing claim that Plaintiff was not just
11 trying to drug Britney Spears into a coma – he supposedly admitted it to *her*
12 *mother*.

13 Shortly after it was filed, the TRO application was disseminated to the
14 news media under the cloak of Civil Code §47 immunity. Within hours, Sam
15 Lutfi was *world famous* as "the guy who drugged Britney Spears."⁸

16 Lynne Spears completed the destruction of Plaintiff's reputation six
17 months later, when she published her autobiography, *Through the Storm*, in
18 which she blamed Plaintiff for her daughter's breakdown and republished the
19 absurdly false allegation that Mr. Lutfi *admitted* to her that he was trying to
20 drug her daughter into a coma.

21 Mrs. Spears' libelous book is now the subject of Mr. Lutfi's *defamation*

22
23 ⁶ Lutfi Dec., ¶2

24 ⁷ Exhibit 14, Declaration of Robin Johnson. See, also, Declarations of
25 Alli Sims, Adnan Ghalib, and Filipe Texeira, on file herein.

26 ⁸ Lutfi Dec., ¶2

1 cause of action, and the drug tests and baby monitor reports are sought to
2 demonstrate *falsity*, an element of that cause of action.

3
4 **B. Factual Background – Drug Use and Crisis**

5 It is truly ironic that James Parnell and Lynne Spears successfully
6 tarred Plaintiff as “the guy who drugged Britney Spears,” since Mr. Lutfi did
7 everything he could to *discourage* Britney from taking drugs, whereas Mr. and
8 Mrs. Spears are the root causes of their daughter’s problems:

9 James Parnell is an alcoholic, and he was chronically drunk and
10 abusive toward his family while Britney was a child.⁹ The children of alcohol
11 and substance abusers are far more likely to suffer from the same problem,
12 and that’s the example James Parnell set.

13 Lynne Spears, who has been described as “the ultimate, controlling
14 stage mother,” actually *introduced* Britney to the use of “uppers” as a method
15 of *weight control* when Britney was still a teenager.¹⁰ In other words, the
16 addiction to “speed” which ultimately caused Britney’s breakdown can be
17 traced right back to the woman who put the blame on Sam Lutfi.

18 At trial, Mr. Lutfi will present proof (including testimony of witnesses
19 from the company he hired), that one of the first things he did as Britney’s
20 manager was to bring *drug-sniffing dogs* into Britney’s residence, and with
21 their assistance he scoured the mansion clean of illegal substances. After the
22 drug cache was discovered and removed, he vacuumed, carpet-cleaned and
23 scrubbed to eliminate all drug residues and child-proof the residence for

24
25 ⁹ Lutfi Dec., ¶3

26 ¹⁰ Lutfi Dec., ¶3

1 Britney's two infant boys.¹¹

2 For a while, it worked. During the first weeks of Mr. Lutfi's management
3 contract, in October, 2007, Britney's drug tests were "clean." Unfortunately,
4 in November, 2007 she relapsed and began testing positive for amphetamines.
5 Why? Because she was using Adderall (dextroamphetamine), a prescription
6 "upper" which is highly addictive and causes insomnia, agitation and manic
7 behavior. Plaintiff tried to dissuade Britney from using Adderall, but failed.¹²

8 Britney told Plaintiff that her mother, Lynne Spears, introduced her to
9 Adderall as a means of weight control following an appearance on the 2007
10 MTV Music Video awards, wherein Britney danced in a skimpy outfit which
11 revealed her post-pregnancy weight gain.¹³ Actually, Britney's weight was
12 perfectly healthy for a recent mother, but her costume displayed her maternal
13 figure, and that was inconsistent with her sex-object image. The tabloids
14 savaged her, the critics were merciless, and she was parodied on the National
15 Lampoon television program, which had a fat, middle-aged man wearing a
16 Britney wig and jiggling about, wearing the same skimpy outfit.

17 To "help" Britney take the weight off after the MTV program, Britney's
18 mother got her daughter hooked on an new amphetamine drug - Adderall.¹⁴

19 In the months *before Plaintiff became Britney's manager*, her
20 nightclubbing, drinking and drug use had caught up with her. After a series

21
22 ¹¹ Lutfi Dec., ¶3

23 ¹² Lutfi Dec., ¶4

24 ¹³ Lutfi Dec., ¶3

25 ¹⁴ Lutfi Dec., ¶3

1 of motor vehicle incidents and criminal charges (hit-and-run, driving without
2 a license, driving with her child in her lap), Britney lost legal custody of her
3 infant sons, Jayden and Preston. She retained visitation rights, subject to
4 strict conditions (including the presence of baby monitors), but she suffered
5 increasingly severe separation anxiety whenever she had to return physical
6 custody to her ex-husband.¹⁵

7 As mentioned, in October, 2007, during the first weeks of Mr. Lutfi's
8 management term, Plaintiff got Britney *completely off drugs*, and her drug
9 tests came back "clean." However, in November, 2007, she relapsed and
10 began testing positive for amphetamine. She was taking Adderall, and Mr.
11 Lutfi tried to *persuade her to stop*, but he did not succeed.¹⁶

12 On January 3, 2008, after an extended period of insomnia and
13 increasingly manic behavior (almost certainly caused by the Adderall), Britney
14 locked herself into a bathroom with one of her boys and refused to relinquish
15 physical custody. This quasi-hostage situation came to the attention of the
16 authorities, and with an unruly mob of paparazzi photographers and
17 television crews in hot pursuit, Britney was transported to Cedars-Sinai
18 Medical Center under a Welfare & Institutions Code §5150 hold.¹⁷

19 After the "hold," the Superior Court suspended Britney's visitation
20 rights. Losing contact with her sons sent Britney on a downward spiral.¹⁸

22 ¹⁵ Lutfi Dec., ¶4

23 ¹⁶ Lutfi Dec., ¶4

24 ¹⁷ Lutfi Dec., ¶4

25 ¹⁸ Lutfi Dec., ¶4

1 Through the bleak days of January, 2008 – traumatized by the loss of
2 all contact with her boys – Britney’s manic episodes became increasingly
3 severe, and she began staying awake for days at a time. Mr. Lutfi tried to find
4 out how she was getting her drugs because he wanted to cut off her supply.
5 He also confronted her and tried to convince her to finally stop using
6 Adderall.¹⁹

7 At that point, Britney’s family law attorneys retained a psychiatrist,
8 Deborah Nadel, M.D., who began making *nightly house calls*. After observing
9 Britney’s deterioration and escalating mental instability, Dr. Nadel prescribed
10 powerful, anti-psychotic medications. Britney did not want to take them
11 because they made her drowsy, and Plaintiff had little success at getting her
12 to follow Dr. Nadel’s prescription. Instead, almost certainly under the
13 influence of Adderall, she was experiencing manic, sleepless episodes which
14 lasted for days at a time.²⁰

15 On the evening of January 28, 2008, Plaintiff was driving Britney back
16 to her residence for her nightly session with her psychiatrist when she
17 impulsively decided she wanted to visit her boyfriend instead. Plaintiff
18 explained that the psychiatric session was essential for her custody case and
19 insisted that she meet with Dr. Nadel. As Plaintiff pulled up to the entrance to
20 Britney’s gated community, in the presence of scores of paparazzi
21 photographers and television crews, Britney leapt from Plaintiff’s car and
22 began crying hysterically – while the photographers snapped pictures and the
23

24 ¹⁹ Lutfi Dec., ¶4

25 ²⁰ Lutfi Dec., ¶4

1 video cameras whirled.²¹

2 Plaintiff tried to get Britney back into his car, but she refused, cried
3 louder, and made a scene for the paparazzi. Plaintiff lost his temper and
4 began arguing with her, and of course the argument was captured by the
5 scores of photographers and video crews who congregate outside Britney's
6 gateway 24 hours a day. Within minutes, the argument was on the news and
7 the internet.²²

8 Upon learning about the argument, James Parnell and Lynne
9 rushed to Britney's home. James Parnell had no legal right to be in the
10 residence: Britney had accused her father of being violent, drunken and
11 *abusive*, she had permanently banned him from her home, and her security
12 detail was under a standing order not to let him in.²³

13 Unfortunately, when Sam Lutfi ordered the gates opened to allow Lynne
14 to enter, James Parnell rushed into the residence alongside his ex-wife – and
15 immediately *assaulted* Plaintiff.²⁴ (Mr. Lutfi retreated in front of James' balled
16 fists and out-of-control temper. James Parnell is an ex-welder and a powerful
17 man; he was in a rage, and Plaintiff was afraid for his life.²⁵)

18 Later that evening, Britney had her father *ejected* from her home, but
19

20 ²¹ Lutfi Dec., ¶4

21 ²² Lutfi Dec., ¶4

22 ²³ Lynne Spears detailed her ex-husband's drunken, abusive history in
23 her book, *Through the Storm*. She describes a culminating moment (before the
24 divorce) when she became so frustrated by James Parnell's out-of-control
25 drinking she picked up a shotgun and shot up his liquor supply.

26 ²⁴ Lutfi, ¶5. A detailed account of this assault is set forth in Lynn
27 Spears' book, *Through the Storm*. It is clear from her description that she
28 *enjoyed* watching her ex-husband terrorizing Mr. Lutfi.

²⁵ Lutfi Dec., ¶5

1 the next day, James Parnell managed to gain entrance to the residence again,
2 and this time he delivered a powerful blow to Plaintiff's solar plexus, knocking
3 the wind out of him. James Parnell, who has a long history of violence, then
4 threatened to *kill* Plaintiff.²⁶

5 James Parnell's intrusions and violent outbursts could not have come
6 at a worse time, since Britney was experiencing her worst manic episode ever.
7 She was taking Adderall instead of her anti-psychotic medication, and Dr.
8 Nadel warned that Britney would either have to follow the prescription or she
9 was going to order *another* \$5150 hold. Plaintiff could not persuade Britney to
10 take her medication, so Dr. Nadel ordered the "hold" on January 31, 2008.²⁷

11 What followed was a media spectacle: The LAPD ejected the paparazzi
12 from the street outside Britney's gated community; motorcycle officers cleared
13 the route between Britney's home and UCLA; and an LAPD helicopter hovered
14 overhead as the police took Britney to the UCLA Medical Center in a style
15 equivalent to a presidential motorcade. These precautions were intended to
16 keep the media at bay, but of course the paparazzi – who monitor police radio
17 frequencies – were already at UCLA when the motorcade arrived.²⁸

18
19 **C. Motion to Compel Production of Drug Tests (DFP #2)**

20 During the time Plaintiff stands accused of trying to "drug Britney into a
21 coma," she was taking frequent *drug tests* in connection with the ongoing
22 custody case. As her manager, Plaintiff coordinated with Britney's attorneys
23 and made certain she complied with the Court's child-visitation orders,
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26 ²⁶ Lutfi Dec., ¶5

27 ²⁷ Lutfi Dec., ¶6

28 ²⁸ Lutfi Dec., ¶6

1 including the drug tests.²⁹ As Plaintiff's manager, Mr. Lutfi also learned the
2 *results* of the drug tests, although he did not always receive a copy.³⁰

3 Plaintiff propounded Demand for Production ("DFP") No. 2 to obtain
4 *copies* of the drug test reports, because they are relevant to all three causes of
5 action: First, on the cause of action for breach of contract, James Parnell,
6 acting as Conservator, terminated Mr. Lutfi based on the allegation that he
7 was "drugging Britney into a coma," and the drug tests are sought to *refute*
8 this allegation. Second, James Parnell pleaded the affirmative defenses of
9 "provocation" and "defense of a child" and those defenses pivot on the legal
10 theory that he was *privileged to assault Mr. Lutfi* because Plaintiff was
11 supposedly trying to drug his daughter into a coma. Once again, the drug
12 tests are sought as scientific evidence to *refute* the allegation made by James
13 Parnell and they are indisputably discoverable. And finally, the drug tests are
14 relevant to the *libel* cause of action, because Lynne Spears's book published
15 the defamatory allegation that Plaintiff was trying to drug Britney into a coma
16 and the drug tests will prove *falsity*.

17
18 **D. Efforts to Meet and Confer re DFP 2:**

19 Plaintiff served Demand for Production No. 2 on all three defendants³¹
20 and James Parnell responded *twice*, first as an individual Defendant and a
21 second time as Conservator on behalf of Britney. Both responses consisted of
22 "shotgun" objections and a blanket refusal to produce the drug tests.³²

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25 ²⁹ Lutfi Dec., ¶7

26 ³⁰ Lutfi Dec., ¶7

27 ³¹ Exhibit 1

28 ³² Exhibit 2, 3

1 After a protracted exchange of more than a dozen "meet and confer"
2 letters, plus several telephone calls,³³ on March 16, 2011, counsel for James
3 Parnell conceded relevance but made an *illusory* promise to produce:

4 "Subject to a protective order being in place that is acceptable to
5 the Co-Conservators (which includes an 'attorneys eyes only'
6 provision), and assuming that the production would not be
7 violative of any other outstanding court order in another matter,
8 the Co-Conservators will produce Britney Spears' drug tests for
9 the period October 13, 2007 to February 1, 2008 (i.e., from the
10 purported initiation of the alleged oral contract up to the date the
11 conservatorship was established.)"³⁴

12 This letter is disingenuous, because Counsel tries to give the
13 appearance the drug tests will be produced, but she has no intention of doing
14 so. Counsel insists there is a protective order in the child custody case which
15 prohibits disclosure, so the foregoing offer to produce is *illusory*.

16 As for counsel's demand for a *protective order*, the parties previously
17 stipulated to an order, which this Court executed on February 15, 2011.
18 Counsel insists the existing protective order is inadequate because it does not
19 include an Attorneys' Eyes Only ("AEO") provision. The protective order does
20 not include an AEO provision because it would bar Plaintiff's counsel from
21 discussing critical evidence with his client, and Plaintiff considers that to be
22 an unwarranted interference with the right to counsel and Due Process.

23 Moreover, AEO clauses violate California Rule of Professional Conduct
24 §3-500, which commands that attorneys *must* apprise clients about
25 significant developments in their case and provide copies of important

27 ³³ Declaration of Joseph D. Schleimer, Esq., ¶3; Exhibits 4-13

28 ³⁴ Exhibit 12 (emphasis added)

documents.³⁵

AEO provisions are rare and they are only appropriate in trade secret cases to protect customer lists, pricing information or secret formulae when the party demanding production is a *competitor* of the party making the production. See, Brown Bag Software v. Symantec Corp., 960 F.2d 1465, 1470 (9th Cir. 1992)("[W]e must balance the risk to Symantec of inadvertent disclosure of trade secrets to competitors against the risk. . .that protection of Symantec's trade secrets impaired prosecution of Brown Bag's claims.")

The drug tests are not trade secrets and the parties are not competitors. Indeed, Plaintiff *already knows* their content, so the demand for an AEO is a *sham*. Counsel knew her demand for an AEO would be rejected, and seizes upon that as a pretext to withhold highly relevant evidence.

Plaintiff submits the *existing protective order* is more than adequate to prevent dissemination of the drug test reports, and Defendants cannot meet their burden of proving otherwise. NBC Subsidiary (KNBC-TV), Inc. v. Superior Court (1999) 20 Cal.4th 1178, 1218.

In her March 16, 2011 letter, counsel for James Parnell refused to produce drug tests administered during February, 2008 – even though that would include UCLA tests which would document the *drugs in Britney's system at the time the §5150 hold was ordered*. Since Defendants allege that Plaintiff was trying to “drug Britney into a coma” any drug tests administered during the time Britney was confined at UCLA would be highly relevant. Indeed, any tests administered during February, 2008, will shed light on the

³⁵ RPC §3-500 states: “A member [of the California State Bar] shall keep a client reasonably informed about significant developments relating to the employment or representation, including promptly complying with reasonable requests for information and copies of significant documents when necessary to keep the client so informed.”

1 drugs in her system, and they are, therefore, "reasonably calculated to lead to
2 the discovery of admissible evidence."

3
4 **E. Motion to Compel Production of Baby Monitor Reports (DFP #3)**

5 During the period Plaintiff served as Britney's manager, her child
6 custody lawyers positioned "baby monitors" *inside her residence*, to supervise
7 visitations with her young children. These professional observers were present
8 to monitor Britney's use of drugs and alcohol and witness her behavior toward
9 her infant sons.³⁶ Since Plaintiff was virtually living in Britney's residence
10 during the crisis months, he had extensive interactions with the "baby
11 monitors," who were therefore in an excellent position to observe his conduct
12 and interactions with Britney and her children.

13 If Plaintiff was trying to drug Britney into a coma, cutting her telephone
14 wires and disabling her cell phones, as Defendants allege, then the baby
15 monitors would have been *witnesses* to such conduct and their reports would
16 contain detailed descriptions.

17 Plaintiff submits the reason why Defendants will not produce the baby
18 monitor reports is because they know the *absence* of any report of such
19 events will tend to refute Defendants' scandalous allegations.

20 Robin Johnson, who was the *supervising* baby monitor, has already
21 filed a declaration attesting that Mr. Lutfi was *not* doing the nefarious things
22 he stands accused of.³⁷ Among the documents Plaintiff seeks to compel are
23 contemporaneous reports *filed by Ms. Johnson*, which will corroborate her
24 testimony at trial.

25 As Britney's manager, Plaintiff was privy to the content of the baby
26

27 ³⁶ Lutfi Dec., ¶8

28 ³⁷ Declaration of Robin Johnson (Exhibit 14), ¶¶ 2-19

1 monitor reports,³⁸ and he knows they do not support the allegations made by
2 James Parnell. Defendant obviously knows that too, which is why he won't
3 produce them. During the "meet and confer," Defendant's counsel stood on
4 her objections and flatly refused to produce the baby monitor reports.³⁹
5 Accordingly, an order is needed to compel production.

6
7 **F. Sanctions**

8 Defendant/Conservator James Parnell Spears knows full well that the
9 drug tests and the baby monitor reports *belie* his scandalous and highly-
10 publicized allegations that Plaintiff was trying to drug Britney Spears into a
11 coma, cutting her phone wires, and disabling her cell phones. His refusal to
12 produce this "core" evidence was unjustified, so he should be ordered to pay
13 the cost of bringing this motion pursuant to C.C.P. §2031.310(d), in the
14 amount of \$6,935.⁴⁰

15 ***Respectfully submitted,***

16 **Dated: March 31, 2011**

**JOSEPH D. SCHLEIMER
ATTORNEY AT LAW**

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19
20 BY: 
21 **Joseph D. Schleimer, Attorney
for Plaintiff Sam Lutfi**

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25 _____
26 ³⁸ Lutfi Dec., ¶8

27 ³⁹ Exhibit 12

28 ⁴⁰ Schleimer Dec., ¶4

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**Declaration of Joseph D. Schleimer, Esq.
in Support of Motion to Compel**

I, *Joseph D. Schleimer*, do declare and state:

1. I am an attorney at law, duly licensed to practice before this Honorable Court, and I am counsel of record herein for Plaintiff Sam Lutfi. If called and sworn as a witness, I could and would testify competently to the facts set forth herein from personal knowledge.

2. Attached as Exhibit 1 is a true and correct copy of the Demands for Production I served on Defendants. Exhibit 2 is a true and correct copy of the response by Defendant James Parnell Spears and Exhibit 3 is a true and correct copy of the response by James Parnell Spears as Conservator for Britney Spears.

3. **Efforts to "Meet and Confer":** Exhibits 3 to 13 are true and correct copies of "meet and confer" letters and email exchanged with James Parnell's *two* sets of attorneys in this case. As noted in the correspondence, I had a "meet and confer" telephone call with Gary Wallace, Esq., who represents James Parnell on the battery case. Mr. Wallace insisted that I discuss the drug tests and baby monitor reports with counsel for the Conservators. I also had an exchange of correspondence and a "meet and confer" telephone call with Bonita Moore, Esq., who is counsel for James Parnell Spears as Conservator. In her letter of March 16, 2011 (Exhibit 12, p.2), Ms. Moore flatly refused to produce the "baby monitor" reports. She also declined to produce the drug tests *if there is an order in another proceeding which protects them*. Since Ms. Moore has stated repeatedly she believes there is such an order, I consider her statement she will produce the drug tests to be illusory. (As of yet, she has not produced a copy of any such order.) As for Ms. Moore's insistence on an "Attorneys Eyes Only" protective order, that demand was asserted in bad faith, since I had already rejected an AEO clause

1 when we prepared and signed the Stipulated Protective Order, which this
2 Court executed on February 15, 2011. During the earlier negotiations for a
3 protective order, I fully explained my reasons for objecting to an AEO clause,
4 namely, because it impinges on the attorney-client relationship, the
5 constitutional right to counsel, and the constitutional right to Due Process.
6 The circumstances of this case do not justify such an extraordinary order. As
7 such, I believe it would be unethical to agree to a protective order which
8 would restrict my ability (and ethical obligation) to fully communicate with my
9 client. Moreover, Ms. Moore knew from our "meet and confer" conversations
10 that Mr. Lutfi was *already privy* to the content of the drug tests and baby
11 monitor reports. What would be the point of an oppressive AEO clause, when
12 the client already knows the content of the sequestered documents? In my
13 view, Ms. Moore's demand for an AEO clause was pure obstruction, since she
14 knew I would not agree to it – and knew it was not called for.

15 4. **Sanctions.** Preparation of this Motion to Compel, including a
16 protracted "meet and confer," and difficult research on the issue of "Attorneys
17 Eyes Only" protective orders,⁴¹ required greatly in excess of nine hours of my
18 time. I bill clients at the rate of \$400 an hour. I estimate that drafting and
19 filing a Reply, and preparing for and appearing at the hearing, will require at
20 least an additional 8 hours of my time. Messenger, copying, postage, mileage,
21 parking and filing fee will cost in excess of \$135. Accordingly, sanctions are
22 requested against Defendant/Conservator James Parnell Spears in the
23 amount of \$6,935.

24 _____
25 ⁴¹ In my exhaustive research on AEO orders, I read more than 250
26 cases in which such restrictive protective orders are discussed. All of the cases
27 I found in which an AEO was granted, or stipulated to, involved trade secrets,
28 customer lists, and/or secret formulae, *and* the parties were *direct competitors*.
None of them was analogous to this case, where the only reason for demanding
an AEO clause is because counsel intuitively desires one.

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3 Beverly Hills, California 90212
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7 Attorney for Plaintiff Sam Lutfi

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**SUPERIOR COURT OF CALIFORNIA
FOR LOS ANGELES COUNTY**

SAM LUTFI, an individual,
Plaintiff,

vs.

**LYNNE IRENE SPEARS, an
individual; JAMES PARNELL
SPEARS, an individual; BRITNEY
JEAN SPEARS, an individual; and
DOES 1 through 25, inclusive,**

Defendants.

Case No. BC 406904

**DECLARATION OF SAM LUTFI
IN SUPPORT OF MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS AND FOR
SANCTIONS AGAINST
DEFENDANT/CONSERVATOR
JAMES PARNELL SPEARS**

I, *Sam Lutfi*, do declare and state:

1. I am Plaintiff in this action, and a life-long resident of Los Angeles, California. If called and sworn as a witness, I could and would testify to the facts stated herein from personal knowledge.

2. **Causes of Action:** I am suing Defendant James Parnell Spears ("James Parnell") for battery because he assaulted me on January 28, 2008 and committed assault and battery against me on January 29, 2008. I am suing Defendant Lynne Irene Spears ("Lynne") for libel, because she published a book filled with defamatory falsehoods about me. I am also suing for breach

1 of contract, based on an artist-management contract I entered into with
2 Britney Spears ("Britney") on October 13, 2007. Britney never terminated me.¹
3 It was her father, James Parnell, acting as Conservator, who breached the
4 contract, as follows: On January 31, 2008, after Britney refused to take anti-
5 psychotic medication, her psychiatrist, Deborah Nadel, M.D., ordered a 72-
6 hour Welfare & Institutions Code §5150 hold, and Britney was transported to
7 the UCLA Medical Center by the LAPD.² James Parnell immediately sought
8 appointment as Britney's Conservator, and his first act was to terminate me
9 as Britney's manager. James Parnell could have breached the contract with a
10 simple *telephone call*. Since he knew that Britney did *not* want to fire me, the
11 method James Parnell chose was a Temporary Restraining Order (TRO), and
12 the "evidence" was a Declaration of Lynne Spears, which falsely stated:

13 "Sam [Lutfi] told Jackie and me that he grinds up Britney's pills,
14 which were on the counter and included Risperdol and Seroquel.
15 He told us that he puts them in her food and that that was the
16 reason she had been quiet for the last three days (she had been
17 sleeping). He told us that the doctor who is treating her now is
18 trying to get her into a sleep-induced coma so that they could
19 then give her drugs to heal her brain."³

20 I never made those statements – Lynne Spears made them up – and she
21 committed perjury when she signed the TRO declaration. The only drugs I
22 gave to Britney were the anti-psychotics prescribed by Dr. Nadel, and it was
23

24 ¹ Britney continued to contact me and ask for my help ending her
25 father's conservatorship until late 2009. I tried to help her, but the lawyer I
26 found for her changed sides and assisted James Parnell.

27 ² Defendant Lynne Spears has repeatedly and widely published the
28 falsehood that I initiated the §5150 hold. I did not. In fact, I tried to *dissuade*
Dr. Nadel from ordering the hold.

³ Exhibit 2A at p.11, ¶13

1 often impossible to get Britney to take them because they made her drowsy.
2 I did not learn that James Parnell was seeking the *ex parte* TRO until after it
3 had been issued. Since the TRO barred me from calling or visiting with
4 Britney, it effectively obstructed performance of my duties as her manager.
5 Shortly after the TRO was issued, copies were disseminated to the news
6 media. Within hours I was world famous as "the guy who drugged Britney
7 Spears" and I began receiving death threats from her fans. The destruction of
8 my reputation was completed six months later, when Lynne Spears published
9 her autobiography, *Through the Storm*, in which she repeated the drugging-
10 Britney-into-a-coma falsehood. Her book (and her television appearances and
11 book tour) are now the subject of my *libel* cause of action in this lawsuit.

12 3. **My Anti-Drug Effort With Britney:** It is truly ironic that James
13 Parnell and Lynne Spears successfully smeared me as "the guy who drugged
14 Britney Spears," since I did everything I could to *discourage* Britney from
15 taking drugs, whereas Mr. and Mrs. Spears are the root causes of their
16 daughter's problem with substance abuse. James Parnell is a raging, violent
17 alcoholic, and he was chronically drunk and abusive toward his family while
18 Britney was a child. Lynne Spears, who is the ultimate, controlling stage
19 mother, introduced Britney to the use of "uppers" as a method of weight
20 control when Britney was a teenager. On the other hand, I began my tenure
21 as Britney's manager by retaining a company which brought drug-sniffing
22 dogs into Britney's residence, and with their assistance I scoured the mansion
23 clean of illegal substances. After the drug cache was discovered and removed,
24 I vacuumed, carpet-cleaned and scrubbed to eliminate all drug residues and
25 child-proof the residence for Britney's two infant boys. I also tried to dissuade
26 Britney from taking the prescription drug Adderall (dextroamphetamine), an
27 "upper" which is euphoric but highly addictive and causes insomnia,
28 agitationand manic behavior. Britney told me that Lynne Spears introduced

1 her to Adderall as a means of weight control following an appearance on the
2 2007 MTV Music Video awards, wherein Britney danced in a skimpy outfit
3 which revealed her post-pregnancy weight gain. (Her weight was perfectly
4 healthy for a recent mother, but the critics and fans were merciless, and she
5 was parodied by the National Lampoon television program, which had a fat,
6 middle-aged man dancing in the same outfit. Hence, her mother got her
7 hooked on the drug which I believe ultimately caused her nervous breakdown.)

8 4. **How the Crisis Developed:** In October, 2007, because of her
9 nightclubbing, drug and alcohol abuse and a series of motor vehicle incidents
10 and criminal charges (hit-and-run, driving without a license, driving with her
11 child in her lap), Britney lost legal custody of her infant sons, Jayden and
12 Preston. She retained visitation rights, subject to strict conditions, but she
13 suffered from separation anxiety whenever she had to return physical custody
14 to her ex-husband. In October, 2007, at the start of my management term, I
15 got her completely off drugs, and her drug tests all came back "clean." In
16 November, 2007, she began testing positive for amphetamine, and she
17 admitted to me that she was taking Adderall. I tried to persuade her to stop
18 taking it, but I am certain I did not succeed. On January 3, 2008, after an
19 extended period of insomnia and increasingly manic behavior (which I
20 attributed to the Adderall), Britney locked herself into a bathroom with one of
21 her boys and refused to relinquish physical custody. This crisis came to the
22 attention of the authorities, and with an unruly mob of paparazzi
23 photographers and television crews in hot pursuit, Britney was involuntarily
24 transported to Cedars-Sinai Medical Center under a Welfare & Institutions
25 Code §5150 hold. After the "hold," the Superior Court suspended Britney's
26 visitation rights, and losing contact with her sons led to a downward
27 spiral. Through the bleak days of January, 2008, traumatized by the loss of
28 contact with her boys, Britney's manic episodes became increasingly severe,

1 and she began staying awake for days at a time. Although she took measures
2 to hide it, I was certain she was abusing Adderall and I tried to find out how
3 she was getting her drugs. I also confronted her and tried to convince her to
4 stop using. At some point, Britney's family law attorneys retained a
5 psychiatrist, Deborah Nadel, M.D., who began making nightly house calls.
6 After observing Britney's deterioration and escalating mental instability, Dr.
7 Nadel prescribed powerful, anti-psychotic medications. Britney did not want
8 to take them, and I had great difficulty getting her to follow Dr. Nadel's
9 prescription. I suspected she was self-medicating with Adderall because she
10 was suffering from manic, sleepless episodes which lasted for days. On the
11 evening of January 28, 2008, I was driving Britney back to her residence for
12 her nightly session with her psychiatrist, when she impulsively decided she
13 wanted to visit her boyfriend instead of having a session with Dr. Nadel. I
14 explained that their nightly sessions were vital for the custody case and
15 insisted that she meet with Dr. Nadel. As I pulled up at the entrance to her
16 gated community, in the presence of scores of paparazzi photographers and
17 television crews, Britney leapt from my car and began crying hysterically. I
18 tried to get Britney to get back into my car, but she refused, crying and
19 making a scene for the paparazzi. I lost my temper and began arguing with
20 her, and of course the argument was captured by the scores of photographers
21 and videographers who congregate outside Britney's gateway 24 hours a day.
22 Within minutes, the argument was on the news and the internet.

23 5. Upon learning about the argument, James Parnell and Lynne
24 rushed to Britney's home. James Parnell had no legal right to be in the
25 residence: Britney had often accused her father of being violent, drunken and
26 abusive, she had permanently banned him from her home, and her security
27 detail was under a standing order not to let James Parnell in. Unfortunately,
28 when I ordered the gates opened to allow Lynne to enter, James Parnell

1 rushed into the residence along with his ex-wife – and immediately assaulted
2 and threatened me. I retreated in front of his balled fists, but he is a powerful
3 man, he was in a rage and on the verge of violence, and I was afraid for my
4 life. Later that evening, Britney had him ejected from her home. The next day,
5 James Parnell managed to gain entrance to the residence again. This time he
6 delivered a powerful blow to my solar plexus, knocking the wind out of me,
7 and threatened to kill me.

8 6. James Parnell's violent rages in Britney's home could not have
9 come at a worse time, since Britney was experiencing her most serious manic
10 episode ever. Dr. Nadel cautioned me that Britney would either have to take
11 her medication or she was going to order a second WIC §5150 hold. I was
12 unable to get Britney to take her medication and Dr. Nadel ordered the second
13 5150 "hold" on January 31, 2008. What followed was a media spectacle: The
14 LAPD ejected the paparazzi from the street outside Britney's gated community;
15 motorcycle officers cleared the route between Britney's home and UCLA; and
16 an LAPD helicopter hovered overhead as the police took Britney to the UCLA
17 Medical Center in a style equivalent to a presidential motorcade. All of this
18 was just to keep the paparazzi at bay, but of course the paparazzi – who
19 monitor police radio frequencies – were already at UCLA when the motorcade
20 arrived.

21 **7. Why I Need the Drug Tests As Evidence:** During the time I was
22 supposedly trying to "drug her into a coma," Britney was taking regular *drug*
23 *tests* in connection with the custody battle. As her manager, I coordinated with
24 her family law attorneys and made certain she complied with the Court's
25 supervised-child-visitation orders, including the drug tests. In my capacity as
26 manager, I learned the results of the drug tests from Britney, although I did
27 not always receive a copy. I also did not receive a copy of any drug tests which
28 may have been administered at UCLA, nor during the month of February,
2008, i.e., the 30-day period after the §5150 hold. Based on her slurred

1 speech during telephone calls I received from Britney during that time period,
2 and based on my conversations with her and those around her, I anticipate
3 that drug tests administered during the remainder of February, 2008
4 demonstrate that she was heavily sedated by her father, as soon as he was
5 appointed Conservator. Accordingly, by this motion I seek a court order
6 compelling production of the drug tests, to use as evidence at trial in this
7 matter.

8 **8. Why I Need the Baby Monitor Reports as Evidence:** During the
9 period I served as Britney's manager, her child custody lawyers positioned
10 "baby monitors" *inside her residence*, to supervise visitations with her young
11 children. These professional observers were present to monitor Britney's use of
12 drugs and alcohol and witness her behavior toward her infant sons. During
13 the crisis I was virtually living in Britney's residence, so I had extensive
14 interactions with the "baby monitors," who were in a good position to observe
15 my conduct and interactions with Britney and her children. As Britney's
16 manager, I was privy to the baby monitor reports, but I did not receive copies
17 of all of them. If, as Lynne asserted in her declaration and libelous book, I was
18 trying to drug Britney into a coma, cutting her telephone wires and disabling
19 her cell phones, then the baby monitors would have been *witnesses* to such
20 conduct and their reports would contain detailed description. Since I did *none*
21 of those things, I bring this motion to compel production of the baby monitor
22 reports because I wish to use them as evidence to exonerate myself from
23 Defendants' false and libelous accusations.

24 I hereby declare under penalty of perjury pursuant to the laws of the
25 State of California that the foregoing is true and correct. Executed this 31st
26 day of March, 2011, at Beverly Hills, California.

27
28 
Sam Luth

04/05/12

1 **Joseph D. Schleimer - Bar No. 125049**
2 **9401 Wilshire Boulevard, Suite 1250**
3 **Beverly Hills, California 90212**
4 **Telephone: (310) 273-9807**
5 **Telecopier: (310) 273-9809**
6 **schleimerlaw@msn.com**

7 Attorney for Plaintiff Sam Lutfi

8
9 **SUPERIOR COURT OF CALIFORNIA**
10 **FOR LOS ANGELES COUNTY**

11 **SAM LUTFI, an individual,**
12 **Plaintiff,**

13 **vs.**

14 **LYNNE IRENE SPEARS, an**
15 **individual; JAMES PARNELL**
16 **SPEARS, an individual; BRITNEY**
17 **JEAN SPEARS, an individual; and**
18 **DOES 1 through 25, inclusive,**

19 **Defendants.**

Case No. BC 406904

DEMANDS FOR PRODUCTION
PROPOUNDED TO DEFENDANTS
JAMES SPEARS, LYNNE SPEARS
AND BRITNEY SPEARS

[C.C.P. §2031.010 et seq.]

20 **PROPOUNDING PARTY:**

Plaintiff Sam Lutfi

21 **RESPONDING PARTIES**

Defendants James Spears, Lynne
Spears and Britney Spears

22 **SET NUMBER:**

One

23 **TO THE RESPONDING PARTIES AND THEIR ATTORNEYS OF RECORD**

24 **HEREIN:** Pursuant to Code of Civil Procedure §2031.010, *et. seq.*, the
25 Propounding Party demands that the Responding Parties identify and produce
26 for inspection and copying at the law offices of Joseph D. Schleimer, Attorney
27 at Law, located at 9401 Wilshire Boulevard, Suite 1250, Beverly Hills,
28 California, 90212, the **ORIGINAL** or best available copy, of the items specified

Demands for Production Propounded to
Defendants Lynne Spears, James Spears & Britney Spears
LASC Case No. BC 406904

Exhibit **1**

26

1 hereinbelow, at the hour of 11:00 a.m. on February 28, 2011.

2 **PLEASE TAKE NOTICE** that you are required to serve a written
3 response to this Demand for Production within 30 days after the service
4 hereof (35 days if this Demand was served by mail). Failure to serve a timely
5 response may result in a waiver of privileges and other sanctions, pursuant to
6 Code of Civil Procedure § 2031.300. You are required to sign the response
7 under oath, pursuant to Code of Civil Procedure § 2031.250.

8 **PLEASE TAKE FURTHER NOTICE** that you are required to produce
9 the DOCUMENTS (defined hereinbelow) either as they are kept in the ordinary
10 course of business, or organized and labeled in accordance with the categories
11 set forth hereinbelow. If any of the information sought by this demand is in
12 electronic or other intangible form, you are required to translate said
13 information through detection devices into a reasonably usable form. See,
14 Code of Civil Procedure § 2031.280

15 **PLEASE TAKE FURTHER NOTICE** that if you are unable to comply in
16 full with this Demand for Production, you are required to certify that you
17 made a diligent search and a reasonable inquiry in order to comply with this
18 Demand. You are also required to specify whether your inability to comply is
19 because the particular DOCUMENT or category of DOCUMENTS never
20 existed, has been destroyed, has been lost, misplaced, or stolen, or has never
21 been, or is no longer, in the possession, custody or control of the responding
22 party. With respect to DOCUMENTS which are not in your possession or
23 control, you are required to set forth the name and address of any natural
24 person or organization which has possession, custody or control of that item
25 or category of items. See, Code of Civil Procedure § 2031.230.

26 **PLEASE TAKE FURTHER NOTICE** that, if you object to any portion of
27 this document demand, you are required to set forth your objections in
28 writing, within the time allowed, and (A) identify with particularity any

1 DOCUMENT within any category in the Demand to which an objection is
2 being made, and (B) set forth clearly the extent of, and the specific ground for,
3 the objection. If an objection is based on a claim of privilege, the particular
4 privilege must be stated. If the objection is based on the attorney work
5 product immunity, the invocation of the work product immunity must be
6 stated. See, Code of Civil Procedure § 2031.240.

7 **Demand for Production No. 1:**

8 Any and all DOCUMENTS which you identify, or should identify, in your
9 responses to the form interrogatories served concurrently herewith.

10 "DOCUMENT," as used in these Demands for Production, means
11 the original and all copies of handwriting, typewriting, printing,
12 photostating, photographing, photocopying, electronic or facsimile
13 transmission, electronically stored data, every other means of
14 recording information, and any and all forms of communication
15 or representation, including letters, words, pictures, sounds or
16 symbols, or combinations thereof, and any record thereby
17 created, regardless of the manner in which the record has been
18 stored and includes (but is not limited to) any and all "writings"
19 as defined in Evidence Code §250.

20 **Demand for Production No. 2:**

21 Any and all DRUG TEST REPORTS concerning tests of Britney Spears
22 taken during the period October 1, 2007 through March 1, 2008.

23 "DRUG TEST REPORT," as used in these document demands,
24 refers to any DOCUMENT written by or memorializing information
25 supplied by any individual, entity or laboratory engaged to take a
26 sample, analyze a sample, or report on laboratory analysis of a
27 human drug test.
28

1 **Demand for Production No. 3:**

2 Any and all BABY MONITOR REPORTS concerning Britney Spears
3 and/or her children, pertaining to any period between October 1, 2007 and
4 March 1, 2008.

5 "BABY MONITOR REPORT," as used in these Demands for
6 Production, refers to any DOCUMENT written by or memorializing
7 information supplied by individuals retained to monitor the
8 mothering activities of Britney Spears, the care and custody of
9 Britney Spears' children, and/or conditions or activities taking
10 place in Britney Spears' home.

11 **Dated: January 27, 2011**

**JOSEPH D. SCHLEIMER
ATTORNEY AT LAW**

12
13
14
15 **BY:  Joseph D. Schleimer, Attorney
16 for Plaintiff Sam Lutfi**
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PROOF OF SERVICE
BY PERSONAL DELIVERY

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 9401 Wilshire Boulevard, Suite 1250, Beverly Hills, California 90212.

On ***January 27, 2011*** I served the foregoing document described as: ***DEMANDS FOR PRODUCTION PROPOUNDED TO DEFENDANTS JAMES SPEARS, LYNNE SPEARS AND BRITNEY SPEARS [C.C.P. §2031.010 et seq.]*** on the interested parties in this action by placing a true copy thereof enclosed in envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

BY PERSONAL DELIVERY

I delivered the envelopes to the addressees as stated above.

Executed on ***January 21, 2011*** at Beverly Hills, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Orly Merano
Type or Print Name

[Signature]
Signature

Starling messenger
409

Service List
Lutfi v Spears

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*Court-appointed Attorney for Britney
Jean Spears*

11/08/40

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8 Attorneys for Defendant JAMES PARNELL SPEARS,
9 individually

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

13 SAM LUTFI, an individual,
14 Plaintiff,

15 vs.

16 LYNNE IRENE SPEARS, an individual,
17 JAMES PARNELL SPEARS, an
individual; BRITNEY JEAN SPEARS,
18 an individual; and DOES 1 through 25,
inclusive,
19 Defendants.

Case No.: BC 406904

Assigned to: Hon. Zaven V. Sinanian,
Dept. 23

**RESPONSES OF DEFENDANT
JAMES SPEARS TO PLAINTIFF'S
DEMANDS FOR PRODUCTION, SET
NUMBER ONE**

Date Action Filed: February 3, 2009

23 PROPOUNDING PARTY: Plaintiff Sam Lutfi
24 RESPONDING PARTY: Defendant James Spears
25 SET NUMBER: ONE (1)

26 Defendant JAMES SPEARS (hereinafter "JS") responds, in his individual capacity
27 only, to the Demands for Production, Set One, served by Plaintiff SAM LUTFI
28 (hereinafter "Lutfi") as follows:

Preliminary Statement and General Objections

Defendant James Spears has not yet completed his investigation of the facts relating to this case, has not fully completed discovery in this action, and has not completed his preparation for trial. All of the responses contained herein are based only on information and documents as are presently available and specifically known to JS. It is anticipated that further investigation, discovery, legal research, and analysis will supply additional facts, add meaning to known facts, and/or establish entirely new factual conclusions and legal contentions, all of which may lead to substantial additions to, changes in, and variations from the responses provided.

The following responses, therefore, are given without prejudice to JS's right to produce evidence of any subsequently discovered fact or facts that JS may later recall or ascertain. JS accordingly reserves the right to change any and all responses herein as additional facts are ascertained, analyses are made, legal research is completed, and contentions are made.

To the extent that any request calls for documents and information falling within any privilege, including without limitation the attorney-client privilege and/or the attorney work-product doctrine, such documents and information will not be produced.

Furthermore, a general objection is hereby interposed as to each and every request on the grounds that plaintiff has failed to comply fully with outstanding discovery propounded to plaintiff by defendants in the within action, and said failure to fully comply has materially prejudiced JS's ability to provide full and complete responses.

Each of the aforementioned general objections is incorporated by reference into each of the following responses.

DEMANDS FOR PRODUCTION AND RESPONSES

DEMAND FOR PRODUCTION NO. 1:

Any and all DOCUMENTS which you identify, or should identify, in your responses to the form interrogatories served concurrently herewith.

"DOCUMENT," as used in these Demands for Production, means the original and all copies of handwriting, typewriting, printing, photostating, photographing, photocopying, electronic or facsimile transmission, electronically stored data, every other means of recording information, and any and all forms of communication or representation, including letters, words, pictures, sounds or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored and includes (but is not limited to) any and all "writings" as defined in Evidence Code §250.

RESPONSE TO DEMAND FOR PRODUCTION NO. 1:

Objection: The words "or should identify" are vague, ambiguous and uncertain, and their use in this context constitutes a violation of Code of Civil Procedure Section 2031.030(c)(1)'s requirement that each document request either specify the individual item(s) requested or reasonably particularize each category of item requested.

Objection: This request, considered in its entirety, is overbroad and potentially unduly burdensome.

Objection: Plaintiff has failed to comply fully with outstanding discovery propounded to plaintiff by defendants in the within action, and said failure to fully comply has materially prejudiced JS's ability to provide meaningful responses.

Objection: This request seeks documents that, to the extent they exist (and no such representation is intended or implied hereby), may be subject to court orders, privacy rights, confidentiality obligations and/or other privileges or protections that

1 prevent their disclosure. For example, and without limitation, there is currently a court-
2 ordered and supervised conservatorship in place as to defendant Britney Spears. To the
3 extent that this request calls for the production of documents concerning said conservatee
4 and/or that are within the possession, custody or control of court-appointed conservators,
5 said request has been propounded to the wrong party and should, if at all, be directed to
6 said conservators for response.

7 **DEMAND FOR PRODUCTION NO. 2:**

8 Any and all DRUG TEST REPORTS concerning tests of Britney Spears taken
9 during the period October 1, 2007 through March 1, 2008.

10 "DRUG TEST REPORT," as used in these document demands,
11 refers to any DOCUMENT written by or memorializing information
12 supplied by any individual, entity or laboratory engaged to take a
13 sample, analyze a sample, or report on laboratory analysis of a
14 human drug test.

15 **RESPONSE TO DEMAND FOR PRODUCTION NO. 2:**

16 Objection: This request is not reasonably calculated to lead to the discovery of
17 admissible evidence.

18 Objection: This request seeks documents that, to the extent they exist (and no such
19 representation is intended or implied hereby), may be subject to court orders, privacy
20 rights, confidentiality obligations and/or other privileges or protections that prevent their
21 disclosure. For example, and without limitation, there is currently a court-ordered and
22 supervised conservatorship in place for the individual identified in this request. To the
23 extent that this request calls for the production of documents concerning said conservatee
24 and/or that are within the possession, custody or control of court-appointed conservators,
25 said request has been propounded to the wrong party and should, if at all, be directed to
26 said conservators for response.

27 //

28 ///

1 **DEMAND FOR PRODUCTION NO. 3:**

2 Any and all BABY MONITOR REPORTS concerning Britney Spears and/or her
3 children, pertaining to any period between October 1, 2007 and March 1, 2008.

4 "BABY MONITOR REPORT," as used in these Demands for
5 Production, refers to any DOCUMENT written by or memorializing
6 information supplied by individuals retained to monitor the mothering
7 activities of Britney Spears, the care and custody of Britney Spears'
8 children, and/or conditions or activities taking place in Britney Spears'
9 home.

10 **RESPONSE TO DEMAND FOR PRODUCTION NO. 3:**

11 Objection: This request is not reasonably calculated to lead to the discovery of
12 admissible evidence.

13 Objection: This request seeks documents that, to the extent they exist (and no such
14 representation is intended or implied hereby), may be subject to court orders, rights of
15 privacy, confidentiality obligations and/or other privileges or protections that prevent
16 their disclosure. For example, and without limitation, there is currently a court-ordered
17 and supervised conservatorship in place for the individual identified in this request. To
18 the extent that this request calls for the production of documents concerning said
19 conservatee and/or that are within the possession, custody or control of court-appointed
20 conservators, said request has been propounded to the wrong party and should, if at all,
21 be directed to said conservators for response.

22 DATED: February 28, 2011

GLADSTONE MICHEL
WEISBERG WILLNER & SLOANE, ALC

24
25 By: 

LEONA GLADSTONE
GARY R. WALLACE

Attorneys for Defendant JAMES
PARNELL SPEARS, individually

AFFIDAVIT AND DECLARATION OF PROOF OF SERVICE BY MAIL

(Code Civ. Proc. §§ 1013a(3) and 2015.5)

STATE OF CALIFORNIA }
COUNTY OF LOS ANGELES } ss.

I, the undersigned, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. I am employed by Gladstone Michel Weisberg Willner & Sloane, ALC, whose business address is: 4551 Glencoe Avenue, Suite 300, Marina del Rey, California 90292 (the "firm").

On February 28, 2011, I served the foregoing document(s) described as **RESPONSES OF DEFENDANT JAMES SPEARS TO PLAINTIFF'S DEMANDS FOR PRODUCTION, SET NUMBER ONE** on the interested parties in this action by placing ☒ the original and ☒ true copy(ies) as indicated thereof, enclosed in sealed envelope(s) with postage thereon fully prepaid and by causing such envelope(s) to be deposited in the mail at 4551 Glencoe Avenue, Suite 300, Marina del Rey, California 90292, addressed as follows:

Joseph D. Schleimer (Original) Attorney at Law 9401 Wilshire Blvd., Suite 1250 Beverly Hills, CA 90212 TEL: (310) 273-9807 FAX: (310) 273-9809 Email: schleimerlaw@msn.com <i>Attorneys for Plaintiff Sam Lufti</i>	Joel E. Boxer, Esq. (Copy) Bonita D. Moore, Esq. BIRD MARELLA BOXER WOLPERT NESSIM DROOKS & LINCENBERG, P.C. 1875 Century Park East, 23 rd Floor Los Angeles, CA 90067 TEL: (310) 201-2100 FAX: (310) 201-2110 <i>Attorneys for James P. Spears and Andrew Wallet as co-conservators of the Estate of Britney Jean Spears, on behalf of Defendant Britney Jean Spears</i>
Michael S. Adler, Esq. (Copy) TANTALO & ADLER LLP 1901 Avenue of the Stars, Suite 1000 Los Angeles, CA 90067-6012	<i>Attorneys for Defendant Lynne Irene Spears</i>

☒ **BY MAIL**(C.C.P. § 1013(a))—I deposited such envelope(s) for processing in the mail room in our offices. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing with the United States Postal Service: it is deposited with the United States Postal Service on that same day in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postal meter date on the envelope is more than one day after the date of deposit for mailing contained in this affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on February 28, 2011, at Marina del Rey, California.


SANDRA ALVARENGA

6r12
1 Joel E. Boxer - State Bar No. 50169
jeb@birdmarella.com
2 Bonita D. Moore - State Bar No. 221479
bdm@birdmarella.com
3 BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS & LINCENBERG, P.C.
4 1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
5 Telephone: (310) 201-2100
Facsimile: (310) 201-2110
6
7 Attorneys for James P. Spears and Andrew
Wallet as Co-Conservators of the Estate of
8 Britney Jean Spears, on behalf of
Conservatee Britney Jean Spears

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**
11

12 SAM LUTFI, an individual,

13 Plaintiff,

14 vs.

15 LYNNE IRENE SPEARS, an individual,
16 JAMES PARNELL SPEARS, an
individual, BRITNEY JEAN SPEARS, an
17 individual; and DOES 1 through 25,
inclusive,

18 Defendants.

CASE NO. BC 406904

**RESPONSES AND OBJECTIONS OF
CO-CONSERVATORS OF THE
ESTATE OF BRITNEY JEAN SPEARS
TO PLAINTIFF SAM LUTFI'S
DEMANDS FOR PRODUCTION**

*Assigned to Hon. Zaven V. Sinanian,
Dept. 23*

Action Filed:

February 3, 2009

Trial Date:

January 23, 2012

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21 PROPOUNDING PARTY: PLAINTIFF SAM LUTFI

22 RESPONDING PARTY: James P. Spears and Andrew M. Wallet, as Co-
23 Conservators of the Estate of Britney Jean Spears

24 SET NO.: ONE

25 Pursuant to California Code of Civil Procedure § 2031.010, James P. Spears and
26 Andrew M. Wallet, as Co-Conservators of the Estate of Britney Jean Spears ("Co-
27 Conservators"), hereby respond to the first set of demands for production of documents
28 ("Demands") that plaintiff Sam Lutfi ("Plaintiff" or "Lutfi") purported to serve on

1 conservatee Britney Jean Spears ("Conservatee") as follows:

2 I

3 **PRELIMINARY STATEMENT**

4 The Co-Conservators have not yet completed their investigation of the facts relating
5 to this case; thus, these responses reflect only the current state of the Co-Conservator's
6 knowledge, understanding, and belief with regard to matters about which inquiry has been
7 made. All of the responses contained herein are based only on information and documents
8 as are presently available and specifically known to the Co-Conservators. Accordingly,
9 these responses are neither intended to, nor shall in any way be deemed, an admission or
10 representation that further information responsive to the request does not exist. The
11 following responses, therefore, are given without prejudice to the Co-Conservators' right
12 to produce evidence of any subsequently discovered fact or facts. Moreover, the Co-
13 Conservators reserve the right to change any and all responses herein as additional facts
14 are ascertained, analyses are made, legal research is completed, and contentions are made.
15 Furthermore, these responses are given without prejudice to the Co-Conservators' right to
16 use or rely on at any time subsequently discovered information, or any information omitted
17 from these responses by inadvertence, mistake or otherwise.

18 Nothing contained herein is intended as, or shall in any way be deemed, a waiver of
19 the attorney/client privilege, the attorney work product doctrine, the common interest
20 and/or joint defense privilege, rights of privacy, protections of conservatees, and/or any
21 other applicable privilege, doctrine or protection.

22 II

23 **GENERAL OBJECTIONS**

24 Each of the General Objections set forth below is made to the Demands for
25 Production in their entirety, and to each Demand (each a "Demand" and collectively, the
26 "Demands") as if fully set forth therein. For particular emphasis, the Co-Conservators
27 have, from time-to-time, expressly included one or more of the General Objections in the
28 responses below. The Co-Conservators' response to each Demand is submitted without

1 prejudice to, and without in any respect waiving, any General Objections not expressly set
2 forth in that response.

3 1. The Co-Conservators assert a blanket and continuing objection that
4 discovery propounded by Plaintiff should be directed to the parties who have appeared in
5 the above-titled action ("Action"), the Co-Conservators, and not to Ms. Spears directly or
6 individually. Ms. Spears has not and shall not appear in the Action. Plaintiff filed the
7 Action and served this discovery after the Conservatorship was established and with
8 knowledge of the Conservatorship orders.

9 2. In responding to the Demands, the Co-Conservators will comply with the
10 requirements of the California Code of Civil Procedure, the California Rules of Court and
11 other rules of this Court, and other applicable law. The Co-Conservators object to any
12 "Definitions," "Instructions," or other purported requirements in the Demands that purport
13 to impose any greater or different obligations than those imposed by law.

14 3. The Co-Conservators object to the Demands on the grounds, and to the
15 extent, that they request information by reference to purported facts, events, or contentions
16 that the Co-Conservators believe are false, never occurred or were not made, respectively.
17 The fact that the Co-Conservators have responded to any such Demand is not meant, and
18 shall not be construed, as an admission of the truth of any such fact, nor of the existence of
19 any such event or contention.

20 4. The Co-Conservators object to the Demands on the grounds, and to the
21 extent, that they seek information that is not relevant to the subject matter of this action
22 and not reasonably calculated to lead to the discovery of admissible evidence.

23 5. The Co-Conservators object to the Demands on the grounds, and to the
24 extent, that they seek information protected by applicable statutory or common law
25 privileges and/or protections, including but not limited to the attorney-client privilege, the
26 attorney work product doctrine, the common interest doctrine, rights of privacy, rights and
27 protections of conservatees, and the protection of settlement and mediation materials. The
28 Co-Conservators will produce only information that is not subject to any applicable

1 statutory or common law privileges or protections. Moreover, the inadvertent production
2 of information protected by such privileges and protections shall not constitute a waiver of
3 the applicable privilege or protection either as to information or documents inadvertently
4 produced or as to any other information or documents.

5 6. The Co-Conservators object to the Demands on the grounds, and to the
6 extent, that they call for the production of information that is proprietary or confidential or
7 a trade secret. The Co-Conservators will disclose information that is proprietary or
8 confidential, or that constitute or would reveal trade secrets, only after the entry of a
9 suitable Protective Order or pursuant to other mutual agreement of the parties.

10 7. The Co-Conservators object to the Demands on the grounds, and to the
11 extent, that they seek documents or information containing confidential information or
12 information protected under rights of privacy guaranteed by any applicable state or federal
13 law as to the Conservatee, any other parties or third parties.

14 8. The Co-Conservators object to the Demands to the extent they seek
15 information that is not within the Co-Conservators' possession, custody or control and/or
16 is within Plaintiff's control or is equally available to Plaintiff.

17 9. The Co-Conservators object to the Demands to the extent they are vague,
18 ambiguous, unintelligible, and/or require the Co-Conservators to speculate as to the
19 meaning intended.

20 10. Any and all responses set forth below are made without waiving or intending
21 to waive, but rather preserving and intending to preserve (a) all objections as to their
22 competence, relevance, materiality and admissibility as evidence for any purpose; (b) the
23 right to object on any ground to the use of such information; and (c) the right at any time to
24 supplement the response(s).

25 11. The Co-Conservators object to the Demands on the grounds that Plaintiff has
26 failed to comply fully with outstanding discovery propounded to Plaintiff by defendants in
27 this action, including the Co-Conservators, while at the same time refusing to provide a
28 reasonable extension for the Co-Conservators to respond to Plaintiff's much later-served

1 discovery. Said failure to fully comply with Plaintiff's own discovery obligations has
2 materially prejudiced the Co-Conservators' ability to provide meaningful responses by the
3 deadline dictated by Plaintiff.

4 **III**

5 **RESPONSES AND FURTHER OBJECTIONS**

6 **DEMAND FOR PRODUCTION NO. 1:**

7 Any and all DOCUMENTS which you identify, or should identify, in your
8 responses to the form interrogatories served concurrently herewith.

9 "DOCUMENT," as used in these Demands for Production, means the
10 original and all copies of handwriting, typewriting, printing, photostating,
11 photographing, photocopying, electronic or facsimile transmissions,
12 electronically stored data, every other means of recording information, and
13 any and all forms of communication or representation, including letters,
14 words, pictures, sounds or symbols, or combinations thereof, and any record
15 thereby created, regardless of the manner in which the record has been stored
16 and includes (but is not limited to) any and all "writings" as defined in
17 Evidence Code § 250.

18 **RESPONSE TO DEMAND FOR PRODUCTION NO. 1:**

19 The Co-Conservators repeat and incorporate by this reference each of their General
20 Objections herein including, without limitation, their objection that the Demands are
21 improperly directed to the Conservatee, who has not and will not appear in this action,
22 thereby precluding a meaningful response. The Co-Conservators repeat and incorporate by
23 this reference each of the objections asserted in the responses to each of the form
24 interrogatories served concurrently with the Demands. The Co-Conservators further object
25 on the grounds that the Demand invades rights of privacy and/or protections of the
26 Conservatee and/or her children from Plaintiff who is the express subject of a 3-year
27 restraining order issued by the Los Angeles Superior Court in 2009 to protect the
28 Conservatee and her family. The Co-Conservators further object to the extent the Demand

1 calls for information protected by the attorney-client privilege, the attorney work product
2 doctrine and related protections. The Co-Conservators further object to the extent the
3 Demand does not seek information that is relevant or reasonably calculated to lead to the
4 discovery of admissible evidence. The Co-Conservators further object that the failure of
5 Plaintiff to timely respond to outstanding discovery propounded by defendants to Plaintiff
6 in the within action has materially prejudiced the Co-Conservators' ability to provide a
7 meaningful response to this Demand. The Co-Conservators further object that the phrase
8 "should identify" is ambiguous and uncertain in the context of this Demand.

9 **DEMAND FOR PRODUCTION NO. 2:**

10 Any and all DRUG TEST REPORTS concerning tests of Britney Spears taken
11 during the period October 1, 2007 through March 1, 2008.

12 "DRUG TEST REPORT," as used in these document demands, refers to any
13 DOCUMENT written by or memorializing information supplied by any
14 individual, entity or laboratory engaged to take a sample, analyze a sample,
15 or report on laboratory analysis of a human drug test.

16 **RESPONSE TO DEMAND FOR PRODUCTION NO. 2:**

17 The Co-Conservators repeat and incorporate by this reference each of their General
18 Objections herein including, without limitation, their objection that the Demands are
19 improperly directed to the Conservatee, who has not and will not appear in this action,
20 thereby precluding a meaningful response. The Co-Conservators further object on the
21 grounds that the Demand invades rights of privacy and/or protections of the Conservatee
22 from Plaintiff who is the express subject of a 3-year restraining order issued by the Los
23 Angeles Superior Court in 2009 to protect the Conservatee and her family. The Co-
24 Conservators further object that the Demand does not seek information that is relevant or
25 reasonably calculated to lead to the discovery of admissible evidence.

26 **DEMAND FOR PRODUCTION NO. 3:**

27 Any and all BABY MONITOR REPORTS concerning Britney Spears and/or her
28 children, pertaining to any period between October 1, 2007 and March 1, 2008.

1 "BABY MONITOR REPORT," as used in these Demands for Production,
2 refers to any DOCUMENT written by or memorializing information
3 supplied by individuals retained to monitor the mothering activities of
4 Britney Spears, the care and custody of Britney Spears' children, and/or
5 conditions or activities taking place in Britney Spears' home.

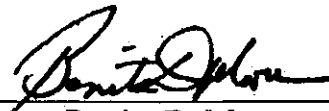
6 **RESPONSE TO DEMAND FOR PRODUCTION NO. 3:**

7 The Co-Conservators repeat and incorporate by this reference each of their General
8 Objections herein including, without limitation, their objection that the Demands are
9 improperly directed to the Conservatee, who has not and will not appear in this action,
10 thereby precluding a meaningful response. The Co-Conservators further object on the
11 grounds that the Demand invades rights of privacy and/or protections of the Conservatee
12 and her children from Plaintiff who is the express subject of a 3-year restraining order
13 issued by the Los Angeles Superior Court in 2009 to protect the Conservatee and her
14 family. The Co-Conservators further object that the Demand does not seek information
15 that is relevant or reasonably calculated to lead to the discovery of admissible evidence.

16
17 DATED: March 4, 2011

Joel E. Boxer
Bonita D. Moore
BIRD, MARELLA, BOXER, WOLPERT,
NESSIM, DROOKS & LINCENBERG, P.C.

18
19
20
21 By: _____



Bonita D. Moore
Attorneys for James P. Spears and Andrew Walle
as Co-Conservators of the Estate of Britney Jean
Spears, on behalf of Conservatee Britney Jean
Spears

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is 1875 Century Park East,
23rd Floor, Los Angeles, California 90067-2561.

5 On March 4, 2011, I served the following document(s) described as **RESPONSES**
6 **AND OBJECTIONS OF CO-CONSERVATORS OF THE ESTATE OF BRITNEY**
7 **SPEARS TO PLAINTIFF SAM LUTFI'S DEMANDS FOR PRODUCTION** on the
interested parties in this action as follows:

8 **BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the
parties listed on the attached Service List and causing them to be deposited in the mail at
Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I
9 am readily familiar with our firm's practice of collection and processing correspondence
for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary
10 course of business. I am aware that on motion of party served, service is presumed invalid
if postal cancellation date or postage meter date is more than one day after date of deposit
11 for mailing affidavit.

12 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

13 Executed on March 4, 2011, at Los Angeles, California.

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16 Beth Martin
17 Beth Martin
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SERVICE LIST
Lutfi v. Spears
Case No. BC 406904

Gary Wallace
Leon J. Gladstone
Gladstone Michel Weisberg Willner &
Sloane, ALC
4551 Glencoe Avenue, Suite 300
Marina del Rey, CA 90292
Telephone: (310) 821-9000
Facsimile: (310) 775-8775
Counsel for Defendant James P. Spears,
Individually

Michael Samuel Adler
Tantalo & Adler LLP
1901 Avenue of the Stars, Suite 1000
Los Angeles, California 90067-6012
Telephone: (310) 734-8694
Facsimile: (310) 734-8696
Counsel for Defendant Lynne Spears

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the within action; my business address is NOW Messenger
Service, 350 S. Figueroa, Suite 183, Los Angeles, California 90071.

5 On March 4, 2011, I served the following document(s) described as **RESPONSES**
6 **AND OBJECTIONS OF CO-CONSERVATORS OF THE ESTATE OF BRITNEY**
7 **SPEARS TO PLAINTIFF SAM LUTFI'S DEMANDS FOR PRODUCTION** on the
interested parties in this action as follows:

8 **BY PERSONAL SERVICE:** By delivering a true copy thereof by hand to the
office of the persons listed on the attached Service List.

9 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

10 Executed on March 4, 2011, at Los Angeles, California.

11 NOW Messenger Service
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SERVICE LIST
Lutfi v. Spears
Case No. BC 406904

Joseph D. Schleimer
9401 Wilshire Blvd., Suite 1250
Beverly Hills, CA 90212
Telephone: (310) 273-9807
Facsimile: (310) 273-9809
Attorney for Sam Lutfi

w/c

JOSEPH D. SCHLEIMER

ATTORNEY AT LAW

9401 WILSHIRE BOULEVARD

SUITE 1250

BEVERLY HILLS, CALIFORNIA 90212

TELEPHONE: (310) 273-9807

TELECOPIER: (310) 273-9809

March 2, 2011

Via Telecopier No. (310) 775-8775
and U.S. Mail

Leon J. Gladstone, Esq.
Gary R. Wallace, Esq.
Gladstone Michel Weisberg
Willner & Sloane ALC
4551 Glencoe Avenue, Suite 300
Marina Del Rey, CA 90292

Via Telecopier No. (310) 201-2110
and U.S. Mail

Joel E. Boxer, Esq.
Bonita D. Moore, Esq.
Bird Marella Boxer Wolpert
Nessim Drooks & Lincenberg
1875 Century Park East, 23rd Floor
Los Angeles, California 90067

Re: Lutfi v Spears
Our File No. 1019-2

Dear Messrs. Gladstone, Wallace and Boxer and Ms. Moore:

Please consider this my request that you "meet and confer" about James Parnell Spears' refusal to produce documents in response to Plaintiff's First Set of Requests for Production:

Request No. 1: This calls for the production of documents which should have been identified in response to CJC Form Interrogatories, most notably CJC 15.1, which calls for disclosure of all documents pertinent to affirmative defenses and the denial of material allegations of the Complaint, and 17.1, which requires disclosure of documents which pertain to the denial of Requests for Admission.

Most attorneys respond to these document-identification interrogatories by pledging to produce the documents, rather than go through the laborious task of listing them. If a list is provided, it is routinely incorporated into a specific document demand. In your client's case, he simply stonewalled and refused to identify defense documents whatsoever. As I have previously written, said refusal is inappropriate and CJC 15.1 and 17.1, etc., must be answered.

Your client objects to the use of the words "or should identify" in this Request for Production, but the need for those words was demonstrated by the CJC responses, i.e., your client's refusal to answer. Because I used those words, Mr. Spears is required, per Code of Civil Procedure §2031.010 et seq. to

produce the documents whether he identified them or not. The words used are self-explanatory, and the objection based on "vague, ambiguous and uncertain" is meritless.

The objection that Plaintiff supposedly failed to comply with discovery in some unspecified fashion, and that prevented your client from complying with his own discovery obligations is unintelligible. Code of Civil Procedure §2031.010 et seq. calls for the production of documents in the "custody, possession or control" of the *responding* party, and it is irrelevant whether documents were identified or produced by the *propounding* party.

To the extent you are invoking the outmoded concept of "priority," the Legislature abolished that objection when it enacted the Civil Discovery Act of 1986. The pertinent provision is now codified at C.C.P. §2019.020(a).

Conservatorship Issue: All three of your responses asserted the following objection:

"This request seeks documents that...may be subject to court orders. . .that prevent their disclosure. For example, and without limitation, there is currently a court-ordered and supervised conservatorship in place as to Britney Spears. To the extent this request calls for production of documents concerning said conservatee and/or that are within the possession, custody or control of court-appointed conservators, said request has been propounded to the wrong party and should, if at all, be directed to said conservators for response."

Since the Responding Party, James Parnell Spears, is in fact Conservator for Britney Spears, the objection about propounding the document requests to the "wrong party" is meritless. Your client has custody, possession and control of the "conservatorship" documents, and he is required to produce them under C.C.P. §2031. See, Regency Health Services, Inc. v. Superior Court (1998) 64 Cal.App.4th 1496, 1498 ("Every litigant has a legal obligation to comply with the provisions of the Civil Discovery Act of 1986. (Code Civ. Proc., §2016 et seq.). . . .[N]o exemption is provided for litigants represented by guardians.")

As you know, I simultaneously propounded these document demands to Defendant Britney Spears (the Conservatee) and Defendant James Parnell Spears (the Conservator), so there is no bona fide argument that the "wrong party" was served, because I served both sides of the conservatorship.

You asserted unspecified privilege and privacy objections, but I cannot tell what, if anything, is being withheld, nor why. When will you be providing a privilege log?

Requests for Production Nos. 2 and 3:

As you are well aware, my client was terminated as Britney Spears' manager based on the allegation that he was drugging Britney and isolating her by disabling her motor vehicles and cell phones. Mr. Lutfi attests that these allegations constituted perjury by Lynne Spears.

Since Mr. Lutfi is suing for breach of contract, and the allegations of drugging and disabling constitute the defense of good cause, discovery of evidence pertinent to the drugging and disabling allegations is highly relevant.

The drug tests are sought because they should corroborate Mr. Lutfi, who denies that he drugged Britney Spears. Likewise, the baby monitor reports should corroborate my client, since they were positioned in the residence to look for, among other things, drug use, and to be able to give witness to what went on in the residence. The supervisor of the baby monitor team has already filed an affidavit in support of Mr. Lutfi, so the baby monitor reports are likely to support his case.

The drug tests and baby monitor reports are also pertinent to the libel cause of action against Lynne Spears. Mrs. Spears' book, *Through the Storm*, re-published the accusations that Mr. Lutfi drugged Britney and disabled her automobiles and cell phones. The drug tests are sought to demonstrate falsity. Likewise, the baby monitor reports are calculated to disprove the libelous publication that my client drugged Britney and disabled her automobiles and cell phones.

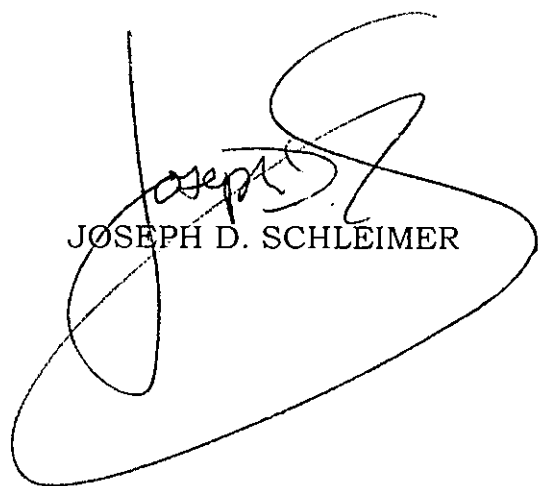
In response to the assault and battery cause of action, you asserted an affirmative defense of *justification*. I anticipate you are going to argue that Mr. Lutfi's alleged "drugging" of Britney and the supposed disabling of her cars and cell phones constituted a justification for assault and battery. Thus, evidence that my client did *not* drug Britney, nor isolate her by disabling her automobiles and cell phones, is calculated to lead to the discovery of admissible evidence.

Please note that the facts and evidence pertinent to the justification defense should have been disclosed in your client's response to CJC 15.1. Unfortunately, you objected and refused to answer, which I consider to be

discovery abuse. Since you filed an Answer asserting justification as an affirmative defense to the assault and battery charge, and you have nothing else to support that defense, I fully expect you will cite to the "drugging Britney" allegation, etc., as the foundation for that defense. As such, the drug tests and baby monitor reports are highly relevant and they must be produced.

I look forward to your response to the foregoing.

Very truly yours,



JOSEPH D. SCHLEIMER

JDS:ms

TRANSMISSION VERIFICATION REPORT

TIME : 03/02/2011 16:43
NAME : J.D. SCHLEIMER
FAX : 3102739809
TEL : 3102739807
SER.# : K8J788349


DATE, TIME	03/02 16:42
FAX NO./NAME	13107758775
DURATION	00:00:55
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

TRANSMISSION VERIFICATION REPORT

TIME : 03/02/2011 16:44
NAME : J.D. SCHLEIMER
FAX : 3102739809
TEL : 3102739807
SER.# : K8J788349

DATE, TIME	03/02 16:44
FAX NO./NAME	13102012110
DURATION	00:00:48
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

Lutfi/Spears - Meet and Confer

From: **Gary Wallace** (gwallace@gladstonemichel.com) 

Sent: Thu 3/03/11 5:50 PM

To: Joseph Schleimer (schleimerlaw@msn.com)

Cc: Leon Gladstone (lgladstone@gladstonemichel.com)

Joe -

As you are hopefully aware, Leon and I called you this morning and left a voice mail for you (your secretary stated that you were on the phone). The purpose of the call was to engage in the discovery meet and confer that you requested. I will be in the office most of the day tomorrow and will be available to speak with you then.

Gary

Gary R. Wallace

Gladstone Michel Weisberg Willner & Sloane, ALC

4551 Glencoe Ave., Suite 300

Marina del Rey, CA 90292

Tel. (310) 821-9000

Fax (310) 775-8775

Email: gwallace@gladstonemichel.com

Web: www.gladstonemichel.com

NOTE: The information contained in this email may contain attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by email and delete the original message.

Exhibit **5**

55

Lutfi v Spears - Meet and Confer

From: **Joseph Schleimer** (schleimerlaw@msn.com)
Sent: Fri 3/04/11 4:19 AM
To: Gary R. Wallace, Esq. (gwallace@gladstonemichel.com)
Cc: Leon Gladstone Esq. (lgladstone@gladstonemichel.com)
Bcc: Sam Lutfi (sam1utfi@gmail.com)

Gary:

I am available to talk today, and I will call you.

Preliminarily, since I am very busy, I would appreciate the courtesy of a written response to my detailed written correspondence about your client's "stonewall" responses to Plaintiff's written discovery.

Please be specific by *withdrawing objections*, and (expressly or by omission) stating which objections you are *not* going to withdraw, so we can limit our discussion to the latter.

Best regards,

Joseph D. Schleimer
Attorney at Law

9401 Wilshire Boulevard, Suite 1250
Beverly Hills, California 90212
Telephone: (310) 273-9807
Telecopier: (310) 273-9809

> From: gwallace@gladstonemichel.com
> Subject: Lutfi/Spears - Meet and Confer
> Date: Thu, 3 Mar 2011 17:50:46 -0800
> CC: lgladstone@gladstonemichel.com
> To: schleimerlaw@msn.com
>
> Joe -
>
> As you are hopefully aware, Leon and I called you this morning and left a voice mail for you (your secretary stated that you were on the phone). The purpose of the call was to engage in the discovery meet and confer that you requested. I will be in the office most of the day tomorrow and will be available to speak with you then.
>
> Gary
>
>
> Gary R. Wallace
> Gladstone Michel Weisberg Willner & Sloane, ALC
> 4551 Glencoe Ave., Suite 300
> Marina del Rey, CA 90292

Exhibit 6

56

> Tel. (310) 821-9000

> Fax (310) 775-8775

> Email: gwallace@gladstonemichel.com

> Web: www.gladstonemichel.com

> -----

> NOTE: The information contained in this email may contain attorney-client privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by email and delete the original message.

>

00000000

Lutfi v Spears--meet and confer

From: **Joseph Schleimer** (schleimerlaw@msn.com)
Sent: Sun 3/06/11 12:44 PM
To: Gary R. Wallace, Esq. (gwallace@gladstonemichel.com)
Cc: bdm@birdmarella.com; lgladstone@gladstonemichel.com; jeb@birdmarella.com; madler@ta-llp.com; jtantalo@ta-llp.com
Bcc: Sam Lutfi (samlutfi@gmail.com)

Dear Gary:

This will confirm our phone call on Friday, March 4, 2011, during which you promised that James Parnell Spears will withdraw objections and provide "full and complete" responses to Plaintiff's written discovery within two weeks, which I calendar as March 18, 2011.

You were hazy about *which* objections you are going to withdraw, so I would appreciate a *written* clarification on that.

Very truly yours,

Joseph D. Schleimer
Attorney at Law

9401 Wilshire Boulevard, Suite 1250
Beverly Hills, California 90212
Telephone: (310) 273-9807
Telecopier: (310) 273-9809

3/6/2011

Exhibit 7

58



WIC
JOSEPH D. SCHLEIMER

ATTORNEY AT LAW

9401 WILSHIRE BOULEVARD

SUITE 1250

BEVERLY HILLS, CALIFORNIA 90212

TELEPHONE: (310) 273-9807

TELECOPIER: (310) 273-9809

March 7, 2011

Via Telecopier No. (310) 201-2110
and U.S. Mail

Joel E. Boxer, Esq.
Bonita D. Moore, Esq.
Bird Marella Boxer Wolpert
Nessim Dooks & Lincenberg
1875 Century Park East, 23rd Floor
Los Angeles, California 90067

Re: Lutfi v Spears
Our File No. 1019-2

Dear Mr. Boxer and Ms. Moore:

Please consider this my request that you "meet and confer" concerning your refusal to produce documents in response to the C.C.P. §2031.010 *et seq.* demands propounded to Britney Spears:

Your primary objection, repeated throughout, which you cited to justify a blanket refusal to produce any documents at all, is the existence of the three-year-old "temporary" conservatorship. As I previously advised you, the law does not provide any such exemption. Indeed, Regency Health Services, Inc. v. Superior Court (1998) 64 Cal.App.4th 1496, 1500 expressly rejected the concept that an appearance on behalf of a disabled person by a representative might operate as a shield against having to answer discovery:

"If a party could obtain a broad exemption from discovery obligations simply by obtaining appointment of a guardian ad litem, applications for such appointments would expectably be a major litigation battleground, since such applications would serve as de facto motions for exemption from discovery. The tremendous tactical advantage of exemption from discovery would expectably generate many additional guardian ad litem appointment applications, with the applying party arguing for incompetency at increasingly lower levels of impairment. Vigorous opposition to such applications, with contested hearings and requests for

discovery on the issue of incompetency, would be expectable. A considerable body of law would expectably accumulate regarding when it is appropriate for a discovery exemption to be granted by the appointment of a guardian. None of this has happened, however. The lack of such developments indicates that no one to date has believed that such a discovery exemption exists."

Demand for Production No. 1:

This demand seeks production of your "contention" documents, which should be identified in response to, *inter alia*, CJC Interrogatory No. 15.1. In practice, most lawyers answer the CJC interrogatories by electing to produce their documents instead of listing them. This document demand requires production in the event a list is provided. You declined to do either, objecting and refusing to list and produce. Your meritless reasons for refusing to answer CJC 15.1, etc., are the subject of a separate "meet and confer" letter which I already sent you. I would appreciate a response.

In refusing to produce your "contention" documents, you cite the existence of the restraining order as if it was a bar to my client's right to conduct discovery. As I previously advised you, restraining orders are interlocutory and do not act as a collateral estoppel, much less a bar to discovery. Huntingdon Life Sciences, Inc. v. Stop Huntingdon Animal Cruelty USA, Inc. (2005) 129 Cal.App.4th 1228.

Please note that some of the evidence sought by Mr. Lutfi's demands for production goes toward demonstrating that the RO was obtained through the use of a perjured affidavit by Lynne Spears. Discovery is not permitted in RO proceedings, so this is the first opportunity my client has had to discover evidence to prove that Mrs. Spears lied under oath.

With respect to the right of privacy and privilege objections, please provide a privilege log, as required by C.C.P. §2031.240(b).

Demand for Production No. 2:

This demand seeks production of Britney Spears' drug tests for the relevant time period when my client stands accused of drugging her. You object that the drug tests are irrelevant, which is a peculiar objection indeed, since the issue of whether my client was "drugging Britney Spears" goes right to the heart of this case:

- Breach of Contract: Your defense to the breach of contract action is based on the allegation that the Conservator had "good cause" to terminate my client as Britney's manager because he was supposedly drugging Britney. The drug tests are sought to refute that allegation.
- Libel: In her book, Mrs. Spears accused my client of drugging Britney. That accusation was republished all around the world. The drug tests are sought as evidence of falsity, an element of libel.
- Assault and battery: In the assault and battery case, your client, James Parnell Spears, asserted a justification defense based on his claim that he struck my client in defense of his daughter, who was supposedly being drugged by Sam Lutfi.

The drug tests were taken and used in the custody litigation, and my client was not just privy to them, one of his duties as her manager/minder was making sure Britney *took* them. He was an active participant in the custody case, acted as liaison with her lawyers, and diligently assisted the lawyers in obtaining her compliance with procedures, strategy. . .and drug testing. Hence, there is no legitimate grounds for withholding the drug tests based on a privacy objection since they were never private with respect to Mr. Lutfi.

Demand for Production No. 3:

This demand seeks production of the reports filed by the child custody supervisors ("baby monitors") who were positioned in Britney's home during the time when my client was her manager.

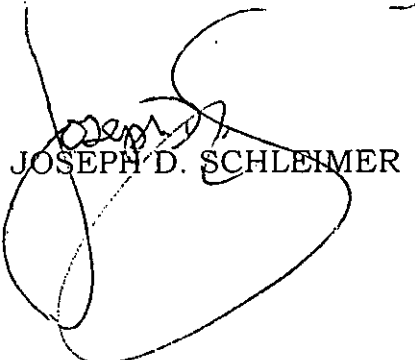
As you are well aware, one of the "baby monitors" has already filed an affidavit in this case, rebutting some of the accusations made against my client. The reports are sought as corroboration of her testimony and as further evidence in support of my client's case.

Part of my client's role as Britney's manager included interacting with the baby monitors, so their reports go to the performance of his duties.

These reports were used as evidence in the custody battle, and my client was privy to them at the time, so there is no basis for withholding them under a theory of privilege or privacy. Since the events which transpired in the residence during that time are *highly* relevant to the case, the reports should be produced.

I look forward to your prompt response to the foregoing.

Very truly yours,



JOSEPH D. SCHLEIMER

JDS:ms

cc: Leon Gladstone, Esq.
Gary Wallace, Esq.

TRANSMISSION VERIFICATION REPORT

TIME : 03/07/2011 13:43
NAME : J.D. SCHLEIMER
FAX : 3102739809
TEL : 3102739807
SER.# : K8J788349

DATE, TIME	03/07 13:42
FAX NO. /NAME	13102012110
DURATION	00:00:46
PAGE(S)	04
RESULT	OK
MODE	STANDARD
	ECM



04/03/11



Bonita D. Moore
bdm@birdmarella.com

1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone (310) 201-2100
Facsimile (310) 201-2110
www.BirdMarella.com

March 8, 2011

File 3565.2

Via PDF and U.S. Mail

Joseph D. Schleimer, Esq.
9401 Wilshire Blvd., Suite 1250
Beverly Hills, CA 90212

Re: **Lutfi v. Spears, et al.**
LASC Case No. BC 406904

Dear Mr. Schleimer:

We are in receipt of your letters dated March 4, 6, and 7, 2011 requesting "meet and confers" regarding respectively the Requests for Admission, Form Interrogatories, and Document Requests propounded by plaintiff to the conservatee, Britney Spears.

Your letters implicate a number of complicated factual and legal issues, such as the jurisdiction of various courts, that we must assess before we can undertake a meaningful "meet and confer." We must also confer with our clients, whose availability is limited. We anticipate being in a position to conduct a meet and confer by Monday, March 14, 2011. We are available in the early afternoon on Monday and are generally available on Tuesday. Please let me know your availability on those days.

Very truly yours,



Bonita D. Moore

BDM:em

cc: Joel E. Boxer

297774.1

Exhibit 9

64

Sharon Ben-Shahar
Terry W. Bird
Joel E. Boxer
Eric E. Bronson
Paul S. Chan
Jennifer S. Chang

Karis A. Chi
Mark T. Drooks
Thomas R. Freeman
Benjamin N. Gluck
David I. Hurwitz
Bruce L. Ishimatsu

Mitchell A. Kamin
Benjamin D. Lichtman
Gary S. Lincenberg
Vincent J. Marella
Marc E. Masters

Aparna S. Mathur
Bonita D. Moore
Ronald J. Nessim
Angela E. Oh
Thomas V. Reichert
Jean Y. Rhee

Ekwan E. Rhow
John K. Rubiner
Peter J. Shakow
Michelle C. Tam
Dorothy Wolpert
Steven K. Yoda

11/08/11



Lutfi v. Spears -- meet and confer next week

From: **Joseph Schleimer** (schleimerlaw@msn.com)
Sent: Tue 3/08/11 4:47 PM
To: Bonita D. Moore Esq. (bdm@birdmarella.com)
Cc: lgladstone@gladstonemichel.com; jeb@birdmarella.com; gwallace@gladstonemichel.com; madler@ta-llp.com; jtantalo@ta-llp.com
Bcc: Sam Lutfi (sam1utfi@gmail.com)

Dear Bonita:

I am available to "meet and confer" with you on Monday, March 14, 2011, as you request. I can speak by telephone, or if you want to meet in person, you can come to my office.

In light of the complete "stonewalling" you did, objecting to ALL of Plaintiff's discovery, I would appreciate a *written justification for your conduct* before then, including an exposition of legal authorities for your position (if you have any, which I doubt), and a written commitment to withdraw objections, if you are going to withdraw any objections.

I am unimpressed with your claim you need to research jurisdiction. This matter is pending in the Los Angeles Superior Court, the case has been assigned for all purposes to Department 23, the Hon. Zaven V. Sinanian presiding, and he has plenary, and exclusive, jurisdiction over all discovery matters.

Very truly yours,

Joseph D. Schleimer
Attorney at Law

9401 Wilshire Boulevard, Suite 1250
Beverly Hills, California 90212
Telephone: (310) 273-9807
Telecopier: (310) 273-9809

From: bdms@birdmarella.com
To: schleimerlaw@msn.com
CC: jeb@birdmarella.com
Date: Tue, 8 Mar 2011 13:58:28 -0800
Subject: FW: Lutfi v. Spears, et al. - 3/8/11 Letter to Joseph Schleimer Re: Meet and Confer

Please see the attached letter.

Bonita ("Bonnie") Moore
Bird, Marella, Boxer, Wolpert,
Nessim, Drooks & Lincenberg, P.C.
1875 Century Park East, 23rd floor
Los Angeles, CA 90067

Exhibit 10

65

ph: 310-201-2100 [x232]
fax: 310-201-2110
e-mail: bdm@birdmarella.com
website: www.birdmarella.com
Assistant: Beth Martin [x317]

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11/22/2011

66

04/03/11



Lutfi v Spears--telephone call

From: **Joseph Schleimer** (schleimerlaw@msn.com)
Sent: Mon 3/14/11 9:15 AM
To: Bonita D. Moore Esq. (bdm@birdmarella.com)
Cc: lgladstone@gladstonemichel.com; jeb@birdmarella.com; gwallace@gladstonemichel.com;
madler@ta-llp.com; jtantalo@ta-llp.com
Bcc: Sam Lutfi (samolutfi@gmail.com)

Good Morning Bonnie:

Sorry you were unavailable to speak by telephone when I called this morning to "meet and confer."

I would appreciate it if you replied with any legal authorities you may have uncovered concerning your challenge to Judge Sinanian's jurisdiction.

Very truly yours,

Joseph D. Schleimer
Attorney at Law

9401 Wilshire Boulevard, Suite 1250
Beverly Hills, California 90212
Telephone: (310) 273-9807
Telecopier: (310) 273-9809

Exhibit //

67

11/02/92



Bonita D. Moore
bdm@birdmarella.com

1875 Century Park East, 23rd Floor
Los Angeles, California 90067-2561
Telephone (310) 201-2100
Facsimile (310) 201-2110
www.BirdMarella.com

March 16, 2011

File 3565.2

Joseph D. Schleimer, Esq.
9401 Wilshire Blvd., Suite 1250
Beverly Hills, CA 90212

Re: **Lutfi v. Spears, et al.**
LASC Case No. BC 406904

Dear Mr. Schleimer:

This letter is intended to summarize the results of our telephonic "meet and confer" conducted on March 14, 2011. Preliminarily, we agreed that the Co-Conservators, on behalf of Conservatee Britney Spears, shall have through April 4, 2011 to provide supplemental responses to the Requests for Admission, Form Interrogatories, and Requests for Production (each Set One) (collectively, "The Discovery Requests") propounded by Mr. Lutfi.

The Co-Conservators stand by their objection that, under *Regency Health Services, Inc. v. Superior Court*, 64 Cal. App. 4th 1496 (1998), Mr. Lutfi has served the wrong party; however, they will not insist on your re-serving The Discovery Requests on the Co-Conservators. The Co-Conservators will respond pursuant to *Regency*.

Below is a summary our "meet and confer" that follows the specific items listed in your letters dated March 4-6, 2011.

I. Form Interrogatories

A. Interrogatory No. 15.1: The Co-Conservators will provide substantive responses pursuant to *Regency*.

B. Interrogatory No. 17.1: The Co-Conservators will provide substantive responses pursuant to *Regency*.

Exhibit 12

Sharon Ben-Shahar
Terry W. Bird
Joel E. Boxer
Eric E. Bronson
Paul S. Chan
Jennifer S. Chang

Karis A. Chi
Mark T. Dooks
Thomas R. Freeman
Benjamin N. Gluck
David I. Hurwitz
Bruce L. Ishimatsu

Mitchell A. Kamin
Benjamin D. Lichtman
Gary S. Lincenberg
Vincent J. Marella
Marc E. Masters

Aparna S. Mathur
Bonita D. Moore
Ronald J. Nessim
Angela E. Oh
Thomas V. Reichert
Jean Y. Rhee

Ekwan E. Rhow
John K. Rubiner
Peter J. Shakow
Michelle C. Tam
Dorothy Wolpert
Steven K. Yoda

Joseph D. Schleimer

March 16, 2011

Page 2

C. Interrogatory No. 50.2: The Co-Conservators will provide substantive responses pursuant to *Regency*.

D. Interrogatories Nos. 50.3-50.6: The Co-Conservators will provide substantive responses pursuant to *Regency*.

II. Requests for Production

A. Request for Production No. 1: The Co-Conservators will produce non-privileged or otherwise-protected responsive documents, if any, pursuant to *Regency*.

B. Request for Production No. 2: Subject to a protective order being in place that is acceptable to the Co-Conservators (which includes an "attorneys eyes only" provision), and assuming that the production would not be violative of any other outstanding court order in another matter, the Co-Conservators will produce Britney Spears' drug tests for the period from October 13, 2007 to February 1, 2008 (*i.e.*, from the purported initiation of the alleged oral contract up to the date the conservatorship was established).

C. Request for Production No. 3: The Co-Conservators will stand on their objections and will not produce reports filed by the child custody supervisors. Among other problems with this Request, I noted that such reports would violate the rights of third parties, both adult and minors, and would probably be violative of existing court orders. As I stated, we are looking into such court orders.

III. Requests for Admissions

A. Requests for Admission Nos. 1-5: The Co-Conservators will provide substantive responses pursuant to *Regency*.

B. Requests for Admission Nos. 6-8: The Co-Conservators will stand on their objections and will not provide supplemental responses.

C. Requests for Admission Nos. 9-10: The Co-Conservators will stand on their objections and will not provide supplemental responses.

D. Requests for Admission Nos. 11-12: The Co-Conservators will provide substantive responses pursuant to *Regency*.

Joseph D. Schleimer

March 16, 2011

Page 3

IV. Other Issues

As to your inquiry regarding whether the Co-Conservators would agree to an independent medical examination of Ms. Spears, I indicated they would not but agreed to take the issue under further consideration and provide a final response at a later date.

I agreed to provide authority regarding the concurrent jurisdiction of courts. Please see *Guardianship of Kemp*, 43 Cal. App. 3d 758, 761 (1974) ("The probate court has exclusive jurisdiction of guardianship proceedings, and after a guardian has been appointed, the court has continuing jurisdiction over the guardian and the administration of the ward's affairs."); *Browne v. Superior Court*, 16 Cal. 2d 593, 597-98 (1940) (the jurisdiction of the probate court is a continuing one). See also Probate Code § 2102 ("A guardian or conservator is subject to the regulation and control of the court in the performance of the duties of the office."). I reserve the right to provide further authorities, but wanted to be responsive to your request.

Finally, as to Mr. Lutfi's deposition, per my confirmatory email on March 14, 2011, we agreed to take the March 17 date off-calendar and agreed to set a new mutually convenient date that will be at least one week after production of documents from your client is completed. You indicated that it will likely take at least a month for such production to be completed. I said that depending on timing and volume of the production, we may need more than one week after completion of such production before the deposition commences, and you indicated you would not have a problem with that. You also reiterated your earlier agreement that you would not try to leapfrog any other depositions ahead of Mr. Lutfi's. As any proposed date will likely be subject to change regardless of who proposes it now, owing to the uncertainties of the timing and amount of production, I am enclosing an amended notice of deposition simply to preserve priority

11/28/11

Lutfi v Spears--discovery matters

From: **Joseph Schleimer** (schleimerlaw@msn.com)
Sent: Wed 3/16/11 5:09 PM
To: Bonita D. Moore Esq. (bdm@birdmarella.com)
Cc: Leon Gladstone Esq. (lgladstone@gladstonemichel.com); Joel Boxer Esq. (jeb@birdmarella.com); Gary R. Wallace, Esq. (gwallace@gladstonemichel.com); Michael S. Adler, Esq. (madler@ta-llp.com); Joel Tantalio Esq. (jtantalio@ta-llp.com)
Bcc: Sam Lutfi (samlutfi@gmail.com)

Bonita Moore, Esq.
Bird Marella Boxer Wolpert
Nessim Dooks & Licensberg

Dear Bonita:

Your letter state that I "agreed" to give you until April 4, 2001 to supplement Britney Spears' responses. Actually, you unilaterally helped yourself to the additional time and unilaterally declared that was when you were going to serve supplemental responses on behalf of Britney Spears. I did not "agree" to it; you simply gave me no choice in the matter.

I note that your letter fails to state which objections are being withdrawn. I have asked you several times to go on the record about that and you have failed to do so. I hope you are not planning on delaying for three weeks, then re-serving the same battery of meritless objections?

Your letter also states that I "agreed" to reschedule Mr. Lutfi's deposition. That's also incorrect. I acknowledged to you that Plaintiff's document production could not be completed this week because, among other things, my client had to order his telephone bills and they haven't arrived from the phone company. You asked if I planned to limit his deposition to one day if documents are not produced, and I acknowledged you would definitely be entitled to resume his deposition at a later date with respect to any documents not timely produced. You then *elected* not to proceed with the deposition this week. Once you decided to postpone, I agreed to provide you with an alternate date -- projected out beyond the date when I hope to complete Mr. Lutfi's document production.

High-handedly, you did not wait for the alternate date I promised. Instead, you unilaterally served a Notice of Deposition designating Monday, April 25, 2011. That is not a convenient date for me. Among other things, it would force me to meet and prepare my client on a Sunday.

Additionally, I never promised not to take *third party* depositions before Mr. Lutfi is deposed. I have none planned because I am too busy, and due to my jam-packed calendar it is very unlikely I will have time until after Mr. Lutfi is deposed. However, I have another hyper-active case which may settle, so I must reserve the right to commence deposing third party witnesses when and if my calendar opens up and I am free to do so.

In the meantime, I remind you about my earlier statement that I did not intend to depose the *Defendants* until after Plaintiff Lutfi makes himself available for at least one day of testimony. Arguably, he did that this week. However, as a practical matter I have no intention of deposing the Defendants until I have their documents and full and complete responses to written discovery. Thus far, I have gotten absolutely *nothing* from you -- nil answers to interrogatories, nil answers to requests for admissions, and a nil productin of documents. Despite your letter, I strongly suspect you are going to wait three weeks. then re-serve the same meritless obiection. and if that is the case. then I am going to

Exhibit 13

71

have to bring at least one, and probably several, motions to compel. So the question of *deposition* priority is almost certainly moot.

As concerns your citation to Probate cases, what is your point? Are you now re-asserting your objection that Judge Sinanian lacks jurisdiction over the *discovery issues* pending between our clients? I was under the impression, when we spoke, that you were withdrawing your jurisdictional challenge. Please clarify.

Your letter once again raises the speculation there may be a mysterious court order floating around which restricts my client's discovery rights with respect to Britney Spears. I asked you to provide a copy, and none has been produced. Indeed, your letter suggests that you don't have actual knowledge any such order exists. I cannot take this part of your letter seriously, until and unless you produce an actual Court order.

Very truly yours,

Joseph D. Schleimer
Attorney at Law

9401 Wilshire Boulevard, Suite 1250
Beverly Hills, California 90212
Telephone: (310) 273-9807
Telecopier: (310) 273-9809

3/16/2011

72

84/03/11

1 Bryan J. Freedman, Esq. (SBN 151990)
2 FREEDMAN & TAITELMAN, LLP
3 1901 Avenue of the Stars, Suite 500
4 Los Angeles, California 90067
5 Tel: (310) 201-0005
6 Fax: (310) 201-0045

7 Attorneys for Plaintiff Sam Lutfi

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

10
11 SAM LUTFI, an individual,

12 Plaintiff,

13 vs.

14 LYNNE IRENE BRIDGES SPEARS, an
15 individual, et al.,

16 Defendants.
17
18
19

DECLARATION OF ROBIN JOHNSON

20 I, Robin Johnson, do hereby declare:

21 1. I am over the age of eighteen. I am not a party to this action. Except as to those
22 facts that are stated herein on information and belief, as to the following facts, I know them to be
23 true of my own knowledge. If called upon to testify, I would and could testify competently to the
24 facts set forth herein.

25 2. I have worked as a Supervised Visitation Monitor for about 10 years. For all
26 times relevant hereto, I have been, and remain, the Owner of Family Care Monitoring Services, a
27 California corporation in good standing.

28 3. As a family care monitor, I am often retained by attorneys in high-profile celebrity

000329

Declaration of Robin Johnson

1 cases to monitor, witness and report on a subject celebrity's behavior and interaction with
2 children and other family members. My reports are often used as evidence in child custody and
3 marriage dissolution proceedings.

4 4. In or about October 2007, Family Care Monitoring Services was retained by the
5 law firm of Trope & Trope, attorneys for Britney Spears ("Britney"), to monitor, witness and
6 report on Britney's interaction with her two children, Sean Preston Federline and Jayden James
7 Federline.

8 5. I was the primary monitor assigned to the case. There were two alternate
9 monitors.

10 6. For all but one week during a seven (7) month period of October 2007 through
11 April 2008, I monitored Britney and her children each week from approximately noon on Friday
12 through the following Monday morning, and on Tuesdays from approximately 9:00 a.m. to
13 approximately 5:00 p.m. During that seven month time period, my sole responsibility was to
14 monitor and document how Britney behaved and interacted with her two children.

15 7. For most of the time I was with Britney, the only persons constantly present with
16 her were the two children, a housekeeper named Sabi, and one of three of Britney's personal
17 assistants, including, without limitation, her cousin, Alli Sims.

18 8. Sam Lutfi ("Lutfi") was also present approximately two-thirds of the time I was
19 monitoring Britney. Lutfi never slept over at Britney's home in Malibu, California at any time
20 when I was present.

21 9. Mr. Lutfi often spent the night in a guest room at Britney's home in Beverly Hills.
22 My room was located between Lutfi's and Britney's rooms.

23 10. I am informed and believe that Britney's mother, Lynne Spears ("Lynne") has
24 stated in her book, "Through the Storm", that she believed Mr. Lutfi was intentionally trying to
25 shut Britney's family out of her life. Based on my own personal knowledge and experience, I do
26 not believe that Lynne's belief has any valid foundation.

27 11. During the time I monitored Britney, Lutfi constantly encouraged Britney to make
28 peace with her parents, especially her mother, Lynne. For example, on more than one occasion,

000330

Declaration of Robin Johnson

1 Lynne would call or send Britney a text message. Britney would then get irate, yelling and
2 calling her mother names. On each of these occasions, Lutfi would attempt to calm Britney
3 down and would encourage her to call Lynne or respond to the message.

4 12. On one occasion, in November 2007, I was present at Britney's residence when
5 Lynne appeared at the front gate asking to be let in. I witnessed Britney refuse to allow her
6 mother to enter. I also witnessed Lutfi telling Britney that she should let Lynne into the house to
7 talk.

8 13. I am also informed and believe that, in her book, Lynne asserts that Lutfi told her
9 that he had thrown away all of Britney's cell phone chargers and cut phone lines at Britney's
10 house. Based on my own personal knowledge and experience, I do not believe that this assertion
11 is true.

12 14. At all times during the period in which I monitored Britney, the telephones at her
13 houses were always in order. I was keenly aware of this fact since, as a family care monitor, I
14 must have the ability to make emergency telephone calls at all times. Since cell phone reception
15 is very poor around Britney's homes, my ability to use house telephones was a necessity.

16 15. On several occasions, I witnessed Britney calling the telephone company and
17 requesting that her telephone service be disconnected or asking her housekeeper, Sabi, to make
18 such a call. In addition, based on the fact that I often saw Britney talking on her cell phones, I do
19 not believe there was ever any time in which Lutfi confiscated any or all of Britney's cell phone
20 chargers.

21 16. I am informed and believe that, in her book, Lynne also asserts that Lutfi told her
22 that he had ground up pills, such as Risperdol and Seroquel, in Britney's food in attempt to keep
23 her sedated and out of trouble. Based on my own personal knowledge and experience, I do not
24 believe that this assertion is true.

25 17. As a family care monitor, I am required to be aware of all drugs (prescription or
26 otherwise) being taken by the persons I am monitoring. During the seven month period in which
27 I monitored Britney, she was taking anti-depressant medication as prescribed by her doctors. I
28 witnessed Britney taking this medication on an almost daily basis. I am unaware that she had

000331

Declaration of Robin Johnson

1 been prescribed any other such medications. I also witnessed that the anti-depressant drugs had
2 the opposite of a sedating effect on Britney.

3 18. I am informed and believe that, in her book, Lynne further asserts that Lutfi told
4 Lynne that he disabled Britney's cars so that she could not leave her house unattended. Based on
5 my own personal knowledge and experience, I do not believe that this assertion is true.

6 19. At no time during the period in which I monitored Britney did I ever witness her
7 have any difficulty starting any of her cars. In fact, on most occasions, Britney would request
8 either I, or one of the alternate monitors, drive her in her car to run errands, etc. Each time I did
9 so, the car was in perfect working order. I never had to request that any car be restored to
10 running condition.

11
12 I hereby declare under penalty of perjury under the laws of the State of California that the
13 foregoing is true and correct.

14
15 Executed this 5th day of December 2008, at Los Angeles, California.

16
17 
18 Robin Johnson

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Declaration of Robin Johnson

11/08/98

CH-120**Notice of Hearing and
Temporary Restraining Order**

Clerk stamps date here when form is filed.

FILED**LOS ANGELES SUPERIOR COURT****FEB 01 2008****JOHN A. CLARKE, CLERK****BY SPERILL, DEPUTY**

- ① Name of person asking for protection:
Britney Jean Spears (temporary conserv. James P. Spears)

Address (skip this if you have a lawyer): (If you want your address
to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and
State Bar number): Geraldine A. Wyle (#89735)

Luce, Forward, Hamilton & Scripps LLP

601 S. Figueroa St., 39th Floor

Los Angeles, CA 90017

- ② Name of person to be restrained:
Osama ("Sam") Lutfi

Description of that person:

Sex: ☒ M ☐ F Height: 5'7" Weight: 170 pounds Race: Middle Eastern

Hair Color: Black Eye Color: Brown Age: 33 Date of Birth: 8/16/1974

Home Address (if known): _____

City: Los Angeles State: CA Zip: 90066

Work Address (if known): _____

City: _____ State: _____ Zip: _____

To the person in ②:

- ③ **Notice of Hearing**
A court hearing is scheduled on the request for orders against you to stop harassment:

Hearing Date: FEB 22 2008 Time: 1:30 Name and address of court if different from above: Same as above
Dept.: 9 Run.: 244

If you do not want the court to make orders against you, file Form CH-110. Then go to the hearing and tell the court why you disagree. You may bring witnesses and other evidence. If you do not go to this hearing, the court may make restraining orders against you that could last up to 3 years.

- ④ **Court Orders**
The court (check a or b):
a. ☐ Has scheduled the hearing stated in ③. No orders are issued against you at this time.
b. ☒ Has scheduled the hearing stated in ③ and has issued the temporary orders against you specified on page 2. If you do not obey these orders, you can be arrested and charged with a crime. And you may have to go to jail, pay a fine of up to \$1,000, or both.

This is a Court Order.

Judicial Council of California www.courtinfo.ca.gov
Revised July 1, 2007, Mandatory Form
Code of Civil Procedure, §§ 527.8 and 527.9
Approved by COT

Notice of Hearing and Temporary Restraining Order (CLETS) CH-120, Page 1 of 4
(Civil Harassment)

American LegalNet, Inc.
www.PursantToTheCourt.com

Exhibit **15****77**

Feb 05 2008 11:47PM

Case Number:

BP108870

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

Temporary Orders Against the Restrained Person

(Write the name of the person in ②): Osama ("Sam") Lutfi

The court has made the temporary orders indicated below against you. You must obey all these orders. These orders will expire on the date of the hearing listed in ③ unless they are extended by the court.

⑤ ☒ **Personal Conduct Orders**

You must not do the following things to the people listed in ① and ⑩:

- ☒ a. Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.
- ☒ b. Contact (directly or indirectly), telephone, send messages, mail, or e-mail.
- ☒ c. Take any action, directly or through others, to obtain the addresses or locations of the persons in ① and ⑩. (If item c is not checked, the court has found good cause not to make this order.)

Peaceful written contact through a lawyer or a process server or other person for service of legal papers related to a court case is allowed and does not violate this Order.

⑥ ☒ **Stay-Away Order**

You must stay at least (specify): 250 yards away from:

- a. ☒ The person listed in ①
- b. ☐ The people listed in ⑩
- c. ☒ The home of the persons in ① and ⑩
- d. ☒ Jobs or workplaces of the persons in ① and ⑩
- e. ☒ Vehicle of person in ① ☐ Vehicles of persons in ⑩
- f. ☒ The protected children's school or child care
- g. ☒ Other (specify): UCLA Medical Center, parents' homes, siblings' homes, childrens' homes, Britney's homes

This stay-away order does not prevent the person in ② from going to or from that person's home or place of employment.

⑦ **No Guns or Other Firearms**

You cannot own, possess, have, buy or try to buy, receive or try to receive, or in any other way get a gun or firearm.

⑧ **Turn In or Sell Guns or Firearms**

You must:

- Sell to a licensed gun dealer or turn in to police any guns or firearms that you possess or control. This must be done within 24 hours of being served with this order.
- File a receipt with the court within 48 hours of receiving this order that proves guns have been turned in or sold. (You may use Form CH-145 for this.)

⑨ ☐ **Other Orders (specify):**

This is a Court Order.

Revised July 1, 2007

Notice of Hearing and Temporary Restraining Order (CLETS)
(Civil Harassment)

CH-129, Page 2 of 4

78

2

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

Case Number:

BP108870

10 ☐ **Other Protected Persons**

List of the full names of all family or household members protected by these orders:

Instructions for the Protected Person

To the person in **1**: (Write the name of the person in **1**): Britney Jean Spears (temp. cons. James Spears)

11 **Service of Order on Law Enforcement**

If the court issues temporary restraining orders, by the close of business on the date the orders are made, you or your lawyer should deliver a copy of this Order and any proof of service forms to each law enforcement agency listed below.

Name of Law Enforcement Agency:

Los Angeles Police Department

Beverly Hills Police Department

Address (City, State, Zip)

150 N. Los Angeles St., L.A., CA 90012

464 N. Rexford Drive, Beverly Hills, CA 90210

12 **Service of Documents**

You must have someone personally deliver to the person in **2** a copy of all the documents checked below:

- a. ☒ CH-120, *Notice of Hearing and Temporary Restraining Order (CLETS)* (completed and file-stamped)
- b. ☒ CH-100, *Request for Orders to Stop Harassment* (completed and file-stamped)
- c. ☒ CH-110, *Answer to Request for Orders to Stop Harassment* (blank form)
- d. ☒ CH-145, *Proof of Firearms Turned In or Sold* (blank form)
- e. ☒ CH-151, *How Can I Answer a Request for Orders to Stop Harassment?*
- f. ☐ Other (specify): _____

You must file with the court before the hearing a proof of service of these documents on the person in **2**.

13 **Time for Service** (check a, b, or c)

- a. ☒ A copy of the documents listed in **12** must be served in person to the person in **2** at least 5 days before the hearing.
- b. ☐ A copy of the documents listed in **12** must be served in person to the person in **2** at least 2 days before the hearing.
- c. ☐ A copy of the documents listed in **12** must be served in person to the person in **3** at least _____ days before the hearing.

14 ☐ **No Fee for Filing**

Filing fees are waived.

This is a Court Order.

Revised July 1, 1997

Notice of Hearing and Temporary Restraining Order (CLETS)
(Civil Harassment)

CH-120, Page 3 of 4

79 3

Case Number:

BP108870

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

15 ☐ **No Fee for Service of Order by Law Enforcement**

The sheriff or marshal will serve this Order without charge because:

- a. ☐ The Order is based on stalking.
- b. ☐ The Order is based on a credible threat of violence.
- c. ☐ The person in ① is entitled to a fee waiver.

Date: 2/1/08

[Signature]
Judicial Officer

Warnings and Notices to the Restrained Person in ②

You Cannot Have Guns or Firearms

You cannot own, have, possess, buy or try to buy, receive or try to receive, or otherwise get a gun while this Order is in effect. If you do, you can go to jail and pay a \$1,000 fine. You must sell to a licensed gun dealer or turn in to police any guns or firearms that you have or control in accordance with item ③ above. The court will require you to prove that you did so. If you do not obey this Order, you can be charged with a crime.

Instructions for Law Enforcement

This Order is effective when made. It is enforceable anywhere in all 50 states, the District of Columbia, all tribal lands, and all U.S. territories and shall be enforced as if it were an order of that jurisdiction by any law enforcement agency that has received the Order, is shown a copy of the Order, or has verified its existence on the California Law Enforcement Telecommunications System (CLETS). If the law enforcement agency has not received proof of service on the restrained person, and the restrained person was not present at the court hearing, the agency shall advise the restrained person of the terms of the Order and then shall enforce it. Violations of this Order are subject to criminal penalties.



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least 5 days before the hearing. Contact the clerk's office or go to www.courtinfo.ca.gov/forms for Request for Accommodations by Persons With Disabilities and Order (Form MC-410). (Civil Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk's Certificate—

Clerk's Certificate
(ml)

I certify that this Notice of Hearing and Temporary Restraining Order is a true and correct copy of the original on file in the court.

Date: 2/1/08

Clerk, by *[Signature]*

Deputy

This is a Court Order.

Revised July 1, 2007

Notice of Hearing and Temporary Restraining Order (CLETS)
(Civil Harassment)

CH-120, Page 4 of 4

80

Feb 05 2008 11:47PM

CH-100**Request for Orders to Stop Harassment**

- ① Your name (person asking for protection):
Britney Jean Spears (temporary conserv. James P. Spears)
 Your address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead):

City: _____ State: _____ Zip: _____

Your telephone number (optional): (_____) _____

Your lawyer (if you have one): (Name, address, telephone number, and State Bar number):

Geraldine A. Wyle (#89735) / Jeryll S. Cohen (#125392)

Luce, Forward, Hamilton & Scripps LLP

601 S. Figueroa, 39th Floor, L.A., CA 90017 (213) 892-4992

- ② Name of person you want protection from:
Osama ("Sam") Lutfi

Describe the person: Sex: ☒ M ☐ F Weight: 170 pounds

Height: 5'7" Race: Medit. Hair Color: Black

Eye Color: Brown Age: 33 Date of Birth: 8/16/1974

Home Address (if you know): [REDACTED]

City: Los Angeles State: CA Zip: 90066

Work Address (if you know): _____

City: _____ State: _____ Zip: _____

- ③ Besides you, who needs protection? (Family or household members)

Full Name	Sex	Age	Lives with you?	How are they related to you?
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 3—Describe Protected Persons" at the top of the page.

- ④ Why are you filing in this court? (Check all that apply):

☒ The person in ③ lives in this county.

☒ I was hurt (physically or emotionally) by the person in ② here.

☐ Other (specify): _____

- ⑤ How do you know the person in ②? (Describe):

Britney met Mr. Lutfi in or about October 2007. Mr. Lutfi has essentially moved into Britney's home and has purported to take control of her life, home, and finances.

FILED
 Clerk stamps this form in the court's file.
LOS ANGELES SUPERIOR COURT
FEB 01 2008
JOHN A. CLARKE, CLERK
 BY [Signature]
 BY [Signature]

Fill in court name and street address:

Superior Court of California, County of Los Angeles
 Stanley Mosk Courthouse
 111 N. Hill St.
 Los Angeles, CA 90012

Court fills in case number when form is filed.

Case Number: [REDACTED]

This is not a Court Order.

Case Number:

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

6 Describe how the person in ② has harassed you:

a. Date of most recent harassment: 1/29/2008

b. Who was there? Mr. Lutfi, Lynne Spears, Adnan Ghalib, Chad Hardecastle, unknown paparazzi

c. Did the person in ② commit any acts of violence or threaten to commit any acts of violence against you?

☐ Yes ☒ No

If yes, describe those acts or threats: _____

d. Did the person in ② engage in a course of conduct that harassed you and caused substantial emotional distress? ☒ Yes ☐ No

If yes, describe: Mr. Lutfi drugged Britney. He has cut Britney's home phone line and removed her cell phone chargers. He yells at her. He claims to control everything -- Britney's business manager, her attorneys, and the security guards at the gate. See Declaration of Lynne Spears attached hereto.

e. Did the conduct of the person in ② described above seriously alarm, annoy, or harass you? ☒ Yes ☐ No

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 6—Describe Harassment" at the top of the page.

Check the orders you want: ☒

7 ☒ Personal Conduct Orders

I ask the court to order the person in ② to not do the following things to me or anyone listed in ③:

a. ☒ Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, destroy personal property, keep under surveillance, or block movements.

b. ☒ Contact (either directly or indirectly), or telephone, or send messages or mail or e-mail.

The person in ② will also be ordered not to take any action to get the addresses or locations of any protected persons, their family members, or their caretakers unless the court finds good cause not to make the order.

8 ☒ Stay-Away Orders

I ask the court to order the person in ② to stay at least (specify): 250 yards away from me and the people listed in ③ and the places listed below: (Check all that apply):

a. ☒ My home

d. ☒ My vehicle

b. ☒ My job or workplace

e. ☒ Other (specify): UCLA Medical Center, parents' homes, siblings' homes, childrens' homes, Britney's homes

c. ☒ My children's school or child care

If the court orders the person in ③ to stay away from all the places listed above, will that person still be able to get to his or her home, school, or job? ☒ Yes ☐ No

If no, explain: _____

This is not a Court Order.

Revised July 1, 2007

Request for Orders to Stop Harassment
(Civil Harassment)

CH-100, Page 2 of 4



Case Number:

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

9 ☐ Others to Be Protected

Should the other people listed in 3 also be covered by the orders described above?

☐ Yes ☐ No ☒ Does not apply

If yes, explain:

10 Order About Guns or Other Firearms

I ask the court to order the person in 2 to be prohibited from owning, possessing, purchasing, or receiving, or attempting to purchase or receive firearms and to sell or turn in any guns or firearms that he or she controls.

11 ☐ Other Orders

I ask the court to order the person in 2 to (specify):

12 ☒ Temporary Orders

Do you want the court to make orders now on the matters listed in 2 through 11 that will last until the hearing? ☒ Yes ☐ No

If yes, explain why you need these orders right now: Immediate relief is necessary to avoid the risk of physical harm to Britney by Mr. Lutfi and to allow her to undergo necessary medical treatment without interference by Mr. Lutfi

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 12—Temporary Orders" at the top of the page.

13 Delivery of Orders to Law Enforcement

My lawyer or I will give copies of the orders to the following law enforcement agencies:

a. Name of Agency: Los Angeles Police Department

Address: 150 N. Los Angeles Street

City: Los Angeles

State: CA Zip: 90012

b. Name of Agency: Beverly Hills Police Department

Address: 464 N. Rexford Drive

City: Beverly Hills

State: CA Zip: 90210

14 ☒ Other Court Cases

Have you ever asked any court for other restraining orders against the person in 2? ☒ Yes ☐ No

If yes, specify the counties and case numbers if you know them: Not known

This is not a Court Order.

Revised July 1, 2007

Request for Orders to Stop Harassment
(Civil Harassment)

CH-100, Page 3 of 4



83

7

Feb 05 2008 11:48 PM

Case Number:

Your name: Britney Jean Spears (temporary conserv. James P. Spears)

15 ☐ **Time for Service**

You must have your papers personally served on (notify) the person in **(2)** at least 5 days before the hearing, unless the court orders a different time for service. (Form CH-135 explains "What Is Proof of Service?" Form CH-130 may be used to show the court that the papers have been served.) If your papers cannot be served at least 5 days before the hearing and you need more time, explain why:

16 ☐ **No Fee for Filing**

I ask the court to waive the filing fee because the person in **(2)** has used or threatened to use violence against me, has stalked me, or has acted or spoken in some other way that makes me reasonably fear violence. I am asking for a restraining order to stop this conduct.

17 ☐ **No Fee to Serve Orders**

I ask the court to order the sheriff or marshal to serve (notify) the person in **(2)** about the orders for free because:

- a. ☐ My request for orders is based on stalking; or
- b. ☐ My request for orders is based on a credible threat of violence; or
- c. ☐ I am entitled to a fee waiver.

(If you are requesting free service of the orders based on a fee waiver, you must complete and file the Application for Waiver of Court Fees and Costs (Form FW-001).)

18 ☐ **Lawyer's Fees and Costs**

I ask the court to order payment of my:

- a. ☐ Lawyer's fees
- b. ☐ Out-of-pocket expenses

The amounts requested are:

Item	Amount	Item	Amount
	\$		\$
	\$		\$
	\$		\$

☐ Check here if you need more space. Attach a sheet of paper and write "CH-100, item 18—Lawyer's Fees and Costs" at the top of the page.

19 **Additional Relief**

I ask the court for additional relief as may be proper.

20 Number of pages attached to this form, if any: 6

Date: 2/1/2008

Geraldine A. Wyle

Lawyer's name

Lawyer's signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: 2/1/2008

James P. Spears, temporary conservator

Type or print your name

Sign your name

This is not a Court Order.

DECLARATION OF LYNNE SPEARS

I, LYNNE SPEARS, declare:

1. I am the mother of Britney Spears ("Britney"), who is the subject of this action. I have personal knowledge of each of the facts set forth in this Declaration, and can testify competently thereto, except as to the matters stated on information and belief, and as to such matters I believe them to be true.

2. This past Monday night (January 28), Britney's father, Jamie, and I (in separate cars) went to Britney's house in Beverly Hills because we had heard news reports that Britney had just been in a big fight with Osama Lufti aka Sam Lufti ("Sam"), the man who has inserted himself into my daughter's life, home, and finances, and that she was crying. We were very concerned about her safety. We arrived at the Summit Community gatehouse in BHPO at approximately 10 p.m. I was with my friend, Jackie.

3. The guards at the gatehouse stopped us there for awhile. Jackie, Jamie, and I finally proceeded to Britney's house and entered it. We were able to enter the house because it was not locked. Britney does not lock her doors and currently there are no security guards around her residence. Britney was not home. We found Sam, and Sam said as we walked in the door that Britney only wanted me to come to the house, and that she was afraid to see her dad.

4. Two or three paparazzi came into the house and entered the kitchen. They greeted Sam. The paparazzi then reported to Sam where Britney currently was. From the conversation between Sam and the paparazzi I determined that Sam had given Felipe (another paparazzi) one of Britney's cars to get her out of the house when he heard that Jamie and I were on our way to see Britney. I also understood from the conversation that Sam disabled all of Britney's cars (she has several at her residence).

5. Sam had told Britney that Jamie and I were coming to the house to do an intervention, and that Britney panicked and took off with Felipe. Another man named Chad Hardcastle was in the house.

6. I also heard during the evening that during Britney's and Sam's fight that evening, Sam had told Britney that she was an unfit mother, a piece of trash and a whore, that she cares

DECLARATION OF LYNNE SPEARS

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FEB 05 2008 1:49PM

1 more about Adnan, her current boyfriend, than she cares about her kids, and that she does not
2 deserve her kids.

3 7. The paparazzi reported to Sam and addressed him with great respect. They
4 treated him like a general. He instructed them to get her back to the house. They later told Sam
5 that Britney was on her way back.

6 8. Britney then came back to the house with Adnan, who is also a paparazzi. Sam
7 then told Jackie and me that we needed to do whatever he tells us. I objected. He then told me,
8 "I'm the one who spends 24/7 with your daughter. I sleep in cars outside her house so she can't
9 leave." Sam then said, "You people throw everyone under the bus, if you don't listen to me I'm
10 going to make your name sh** in the papers."

11 9. As I looked around the kitchen, I noticed that in the middle of the kitchen table
12 there was a large car battery. At some point during the evening I learned that the car battery was
13 there so Sam could charge his cell phone. Although Britney has several cell phones, he told us
14 that he had disposed of all of the phone chargers and had made the house phones unworkable.

15 10. Sam told Jackie and me to tell Adnan to leave Britney alone and to get the F***
16 out of the house. Jackie refused. Sam then said to tell Britney that Adnan is gay. Adnan stayed
17 at the house a little while longer. Sam quietly said something to Adnan and Adnan promptly left
18 the house.

19 11. Britney came into the room looking for Adnan. Sam told her that Adnan was in
20 the bathroom. Britney then asked me, "Is Adnan gay?" While Britney was out of earshot, Sam
21 told Jackie and me that we should pretend that Adnan was in the bathroom so Britney wouldn't
22 leave.

23 12. Britney then became very agitated and could not stop moving. She cleaned the
24 house. She changed her clothes many times. She also changed her three dogs' clothes many
25 times. Britney spoke to me in a tone and with the level of understanding of a very young girl.
26 Britney then picked up a bottle of pills and read part of the label and asked us, "What does
27 insomnia mean?" Sam told her that the pills will help her stay awake.
28

1 13. Sam told Jackie and me that he grinds up Britney's pills, which were on the
2 counter and included Risperdol and Seroquel. He told us that he puts them in her food and that
3 that was the reason she had been quiet for the last three days (she had been sleeping). He told us
4 that the doctor who is treating her now is trying to get her into a sleep-induced coma so that they
5 could then give her drugs to heal her brain.

6 14. Sam then encouraged us to sit down on a sofa and to do "tequila shots." Jackie
7 and I said we did not want to. Britney seemed to follow our lead. Sam then got some wine out
8 and said "let's all do toasts with wine." Britney said that she didn't want to, she wanted a pretty
9 glass. Sam found a glass with a stem and poured wine for Britney when we were not looking.

10 Britney refused to drink her wine and asked to drink mine.

11 15. Shortly afterward, Sam went back into the kitchen and was standing behind a
12 raised bar so that we could not see what his hands were doing on the counter. From what I could
13 see, it looked like he was crushing something on the counter. Sam then said to Britney, "Let's
14 go upstairs" and Britney followed him. Britney had calmed down by the time she went upstairs.

15 16. A little while later, Britney came downstairs. She seemed agitated again and told
16 us that she wanted to go to Rite Aid for lipsticks. It was now past midnight. Jackie and I said we
17 would take her. Sam told us that he wanted to follow us in his car. We told him that he
18 shouldn't because the paparazzi were in front of the neighbor's house and would harass us. As
19 we were about to drive off, Sam jumped into the back seat of the car. The paparazzi followed.
20 Sam and I were sitting in the back seat, with Chad as well. He told me that he gave Britney
21 something (when they were upstairs) to make her more light-hearted, happy, and fun. We
22 entered Rite Aid and Britney chose her lipstick. The manager said it is dangerous out there,
23 which it was. When Britney gave the cashier her credit card, the cashier told her it was not
24 working. I paid for the lipstick and the manager told us we could leave through the side door so
25 no one could see us. Sam insisted we leave through the front door and he put his arms around
26 Britney and me for the paparazzi to take pictures. I disengaged as quickly as I could.

1 17. Sam told me, "You'd better learn that I control everything. I control Howard
2 Grossman, Britney's business manager. I control her attorneys and the security guards at the
3 gate. They don't listen to Britney, they listen to me. That's why Jamie was gone tonight."

4 18. At another point that evening, Sam bragged to me that he is the one who receives
5 Britney's checks and that one of them was for me. I told Sam that I hadn't gotten any checks
6 from Britney. Sam then told me that they are in his car. He told me that if he weren't in the
7 house to give Britney her medicine, she would kill herself. Then he said to me, "If you try to get
8 rid of me, she'll be dead and I'll piss on her grave."

9 19. He then proclaimed that he has been in the family for a year and that he has done
10 nothing but good for Britney. At this point it was two or three in the morning. Britney was
11 meandering around the house. She would let me hug her, but she was out of it.

12 20. At one point during the night, Sam was screaming at me and Britney said to me,
13 "Sam treats me like that." Then she picked up the house phone and said, "Look at the phone, it
14 doesn't work." Sam then blamed the dead phone on Britney. Jackie spoke up and said to Sam,
15 "You said you cut the phone wire."

16 21. Britney then said again at some point during the night, "When do I get to see my
17 babies?" Sam answered, "Wednesday." Britney then said, "What do I have to do to see them?"
18 Sam responded, "Take the pills I tell you to take." Britney said, "I don't like the pills and I don't
19 like the psychiatrist. Can't I see another psychiatrist so I can see my babies?" Sam responded,
20 "If I told you to take 10 pills a day, you should do what I tell you to see your babies." Jackie
21 then said, "Britney, your parents can help you find a psychiatrist. The psychiatrist needs to get to
22 know you to give you the right medicine." Sam then raised his voice and said, "Why don't you
23 get back with Kevin."

24 22. Britney then said, "I'll do anything to get them back."

25 23. At some point during the evening, Sam said that Britney decided that he should be
26 her manager.

27 24. Adnan has called me and told me he's worried about Britney. He told me that
28 Sam hides the phones and tells her he has lost them. He also hides her dog, London. She looks

1 for him all over the house crying and then Sam brings out the dog from the hiding place and acts
2 like her savior.

3 25. While we were at Rite Aid, Britney went in and out of her British accent.

4 26. At 4:00 a.m., I was exhausted and wanted to leave. Sam blocked my car so I
5 could not leave. I threatened to call Jamie to the house.

6 27. Britney said, "I want my Daddy up here. I want to talk to my Daddy." I reached
7 Jamie on the phone and gave the phone to Britney. I heard her tell him that she wanted to see
8 him. He said, "Right now baby?" and she said, "No." He said, "10:00 in the morning?" And
9 she said, "No, noon."

10 28. I spent the rest of the night at Britney's house and for the first time in a very long
11 time, when I lay down to sleep, I felt very agitated. I could not fall asleep at all. I felt like I had
12 had coffee. Jackie, who had gone home earlier, later told me that she also could not sleep at all
13 and felt like she had had coffee.

14 29. Jamie came to pick me up the next morning. Jamie gave Britney a big hug and
15 said to her, "Baby, you're ok?" Britney said, "I'm fine," then burst into tears.

16 30. To my knowledge, Britney never went to sleep that night and was very agitated
17 most of the night.

18 31. Sam and Chad, however, slept in the "smoking room," a small room downstairs
19 on the first floor of the house.

20 32. Later the next day, on January 29, Jackie showed me a text message she had
21 received from Sam: "Thanks for telling Jamie all your Bull Sh*t. He just hit me. Now you guys
22 did your deed. Much accomplished. Good job."

23 33. I did not see Britney again until I arrived at her house on Wednesday night after
24 Sam called me and told me to come to the house. When we arrived, Britney seemed subdued.
25 The police arrived and took her to the Neuro Psychiatric Institute at UCLA ("NPI"). While at

26 ///

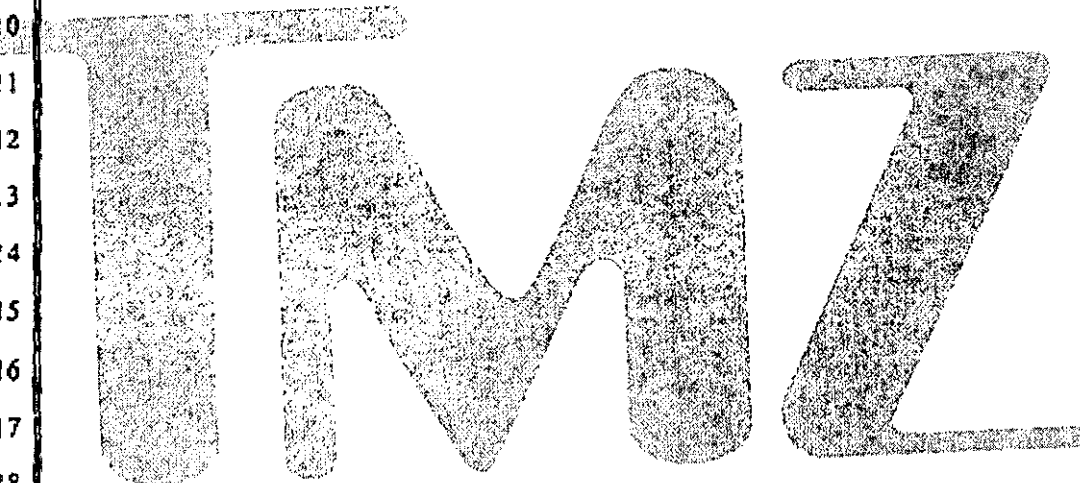
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1 NPI, I learned that Britney informed her doctor, Lee Sadjia, MD, that she had also taken Aderol.

2 I declare under penalty of perjury under the laws of the State of California that the
3 foregoing is true and correct. Executed on January 31, 2008, at Los Angeles, California.

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5 
6 Lynne Spears

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DECLARATION OF LYNNE SPEARS

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